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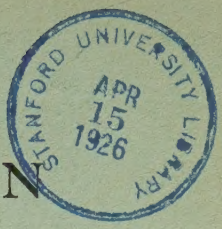

SOCIAL CLEAVAGES IN TEXAS

A STUDY OF THE PROPOSED DIVISION OF THE STATE

BY

WESTON JOSEPH McCONNELL

Dean of North Texas State Teachers College

SUBMITTED IN PARTIAL FULFILMENT OF THE REQUIREMENTS
FOR THE DEGREE OF DOCTOR OF PHILOSOPHY
IN THE
FACULTY OF POLITICAL SCIENCE
COLUMBIA UNIVERSITY

NEW YORK
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CHAPTER I

Introduction

In a country so vast in area as the State of Texas, with its varieties of climate, topography and natural resources, it is obvious that there must be a multitude of cleavages of interests in the composition of its people even though the population be characterized by a relatively high degree of homogeneity. Adjustment of administrative functions to these varieties of interests must of necessity be attended by perplexing difficulties, and the intricacies which prevail vary in number and complexity with the extent of the knowledge concerning their existence and nature.

It has been with full appreciation of the magnitude and importance of the problem that the present study has been undertaken. Neither the whole nor a considerable part of the various cleavages has been considered. The study is an attempt to survey somewhat broadly a field which to the writer appears to have unlimited possibilities and to explore in more detail some of the outstanding parts thereof.

In order to avoid endless testing for bases of comparison on the one hand or the alternative of adopting arbitrary lines on the other, it has been deemed wise to use the natural geographic divisions of the State as units for comparison wherever it has been possible to do so. In cases where common understanding or authoritative designation makes other demarcations desirable, these have been freely used.

The oft-recurring agitation for dismemberment of the State of Texas, covering a period of more than three-quarters of a century of its history, is deemed sufficient justification

for a study such as this, but should more abundant warrant be sought, it must be fully supplied, it would seem, by the cry from parts of nearly one-fourth of the states of the American Union for "new states" and by the urge to "municipal statehood" which is being widely discussed from time to time in the East and North, each of which seems to reopen and even to hinge in some measure upon the settlement of the issue in Texas. Division of Texas is not merely a State question; it is a national problem. Texas holds the key to the situation in the solution of the "coming problems of dividing big states," says Will C. Ferril in the New York *World*. Should she elect to exercise her potential right of sending to the United States Congress ten Senators instead of two, the balance of power thus disturbed would with high probability be restored forthwith by granting statehood to those who seek it in other sections. The East with its desire for municipal states would tend to offset the states created in the West, and would, in so doing, form a hitherto unrecognized cleavage. These, together with possible complications arising from urban and rural conflict in connection with the establishment of independent city states, give to the question of the division of Texas an aspect characterized by more than state magnitude and import.

The most complex situation in connection with the formation of new states or the modification of boundaries is found in the Rocky Mountain region, where it is characterized by the *Rocky Mountain Herald* as a "regular Balkan area." Ten counties of northern Idaho have recently been promoting a scheme to draw from the states of Washington and Montana a territory of sufficient size and common interests to create the State of Lincoln. Northern California and southern Oregon are casting glances across the boundary line and proclaiming their desires for a lasting union because of common economic problems, like business interests and

a physical contour which establishes an area of characterization conducive to unification of the people of that valley. For a period of ten years during her early history California sought continually through such agencies as the convention, the legislature, and Congress to effect a division by a line running east and west. There is not only an acknowledged cleavage between northern and southern Colorado, but a more insistent one between the eastern and western slopes of the state. The mention of a new state west of the divide in the State of Colorado which was recently noted is but a revival of a desire manifested at an earlier date for union with eastern Utah. The Legislature of Alabama recently proposed the annexation of a part of western Florida. This proposal, however, carries with it no suggestion of the creation of a state. It merely indicates a possible need of readjustment. West Texas revived the issue of State division in the spring of 1921 because of alleged failure on the part of other portions of the State to recognize its interests, and the summer of the same year finds the northern peninsula of Michigan again agitating the statehood movement which involves a modification of the boundaries of the adjoining states of Wisconsin and Minnesota. Unfortunately, in many instances, the selection of boundary lines of political division has not been made because they separate naturally distinct sections of territory. These lines are sometimes chosen because they make possible some fancied scheme of symmetry or because they are well known and easily recognized. Under the delusion that a river is a suitable boundary, valleys occupied by like-minded people with common interests are often divided politically and the parts thereof united with sections the interests of which are very different. Such conditions have been potent factors in promoting discord not only in the United States but in various sections throughout the world.

PART ONE

GEOGRAPHIC FACTORS

CHAPTER II

Topographic and Climatic Variations

The area of the State of Texas is 262,398 square miles, or approximately one-twelfth of the area of the whole of the United States. Its immense magnitude can be more fully appreciated and the probability that it contains numerous areas of characterization can be realized when it is noted that to the areas of the six states which comprise the New England group must be added those of the States of New York, New Jersey, Pennsylvania, Delaware, Maryland, the District of Columbia, Ohio, and Kentucky to equal that of Texas. Forty states the size of Massachusetts could be carved out of the State of Texas; while several of its counties are larger than the State of Rhode Island. It has a maximum length of 800 miles and a width almost as great as its length. These measurements radiating from the City of New York would reach to the cities of Charleston, Atlanta, Nashville or Chicago, to the south and west or to the bleak lands of Labrador to the north.[1]

Owing to wide variations in the characteristics of the different sections of Texas, the State does not conform completely to any of the usual classifications of the States of the Union. It may be considered southern, since only the State of Florida has a lower latitude. It is central in that it belongs to that group which forms the great central strip of the Union. It is a Gulf State because of its long coastline, which extends one-fourth of the distance around the arc formed by these States. Finally, it is western because

[1] Walcott, United States Geological Survey, XVIII Annual Report, "Texas"; *Congressional Globe*, 31 Cong., First Session, p. 1380.

of its extensive areas of the plains and Cordillera region. From these facts it is readily seen that different divisions of the State may have characteristics which mark them as southern, central, or western.[1]

Two distinct nomenclatures have arisen and found favor among writers in their designations of the different subdivisions of the State, namely, directional and regional. The former, though far more widely used, has been marked by greater variation and less preciseness of meaning than the latter. One is probably not warranted in assuming that any two writers have used the first designation with precisely the same connotation. Not only "East Texas," but "North Texas," "South Texas," and even "West Texas," as used by writers and speakers, may be employed to designate sections of the State the whole of which lies east of the central meridian.[2]

The regional designation, though lacking in uniformity, is generally used with specific definition. It is based upon particular topographic, climatic or geological characteristics belonging to the different sections. Robert T. Hill says, "The parts of the greater Texas region, which by reason of natural features—characteristics of soil, climate, geologic structure, drainage, underground water conditions and environment for human culture—constitute geographic units for discussion, are six in number." The first geographic division, according to Mr. Hill, is referred to as the *Eastern Province*. It includes all that forest country east of the Black Prairie and north of the thirtieth parallel of north latitude, and embraces an area of approximately 33,000 square miles. The economic interests of this division are fairly distinct as compared with those of other sections.[3]

[1] Hill, *Topographical Atlas of the Southwest*, pp. 1-3.

[2] Hill, *Topographical Atlas of the Southwest*, p. 2.

[3] *Ibid.*, p. 3; Simond's *Geography of Texas*, ch. v.

To the south of the province just described lies the *Southern Province*. Its boundaries are the thirtieth parallel on the north, the Gulf of Mexico and the Rio Grande river on the south and west, and the Balcones scarp line on the northwest. This division is the southern half of the central plain in Texas and is at the same time an extension, with modifications, of the Eastern Prairie. It is rather varied, containing, as it does, the Coast Prairie and the Fayette Prairie, together with an attenuated southwestern extension of the Atlantic timber belt, a continuation of the Black Prairie and the Rio Grande embayment. The climatic features of this section are peculiarly adapted to subtropical industries not found in any other part of the State. The area of the *Southern Province* is 52,000 square miles.[1]

The *East-Central Province* lies just west of the Eastern Province. It is triangular in shape with Austin as its apex and the Red River, from the ninety-seventh meridian eastward, as its base. The characteristic features of this division include the Black Prairie, the Grand Prairie and two timber belts known as the Western and the Eastern Cross-Timbers. Much of the best agricultural lands of the State is found in this province. Its area is 31,000 square miles.[2]

The *Central Province* embraces the Colorado Valley from Austin to its source and in addition thereto all that country lying to the north of the river as far as the boundaries of the State. The accompanying map shows the very irregular lines which constitute the western extension of this province. The section is sometimes referred to as the Central Denuded Region. It consists of a number of diverse prairie features occurring in more or less regular north-south belts succeeding one another to the westward, including those established upon the Red River, the carboniferous and older paleozoic

[1] *Ibid.*, p. 3.

[2] *Ibid.*, p. 3.

rocks. The Central Province embraces an area of 37,000 square miles of territory.[1]

The fifth natural division of the State is known as the *Great Central Plains Province.* It includes the Great Plains proper, which extends eastward from the Rocky Mountains to the prairies of the Central Province and southward to the Southern Province. Part of this area is known as the Llano Estacado, the Edwards Plateau and the Stockton Plateau, the last feature being situated between the Rio Pecos and the Rio Grande. The area of this province, the greatest in extent of all, is 75,000 square miles.[2]

The last of the six divisions of the State is that designated as the *Trans-Pecos Province.* It includes most of that part of the state which lies west of the Pecos river. It is a continuation of the eastern ranges, plateaus, plains and central basin of the Cordillera region of the western part of the United States which extends through New Mexico, Texas and Sonora Mexico. The topography, soil, and climate of this part of Texas are as western in type as may be found anywhere in the United States. This triangular section includes 35,000 square miles of the area of the State.[3]

" Nowhere," according to Mr. Hill, " is there a more intimate relation between geologic formation and physiography than in the Texas region." Most of the geographic conditions, except climate, are determined by the composition and arrangement of the rock sheets. Each formation has peculiarities of stratification, consolidation, cohesion and porosity which result in the variety of relief forms when it is acted upon by climatic factors. These relief forms have given to the six subdivisions just outlined as many distinctive characteristics of soil.[4]

[1] *Ibid.*, p. 3.

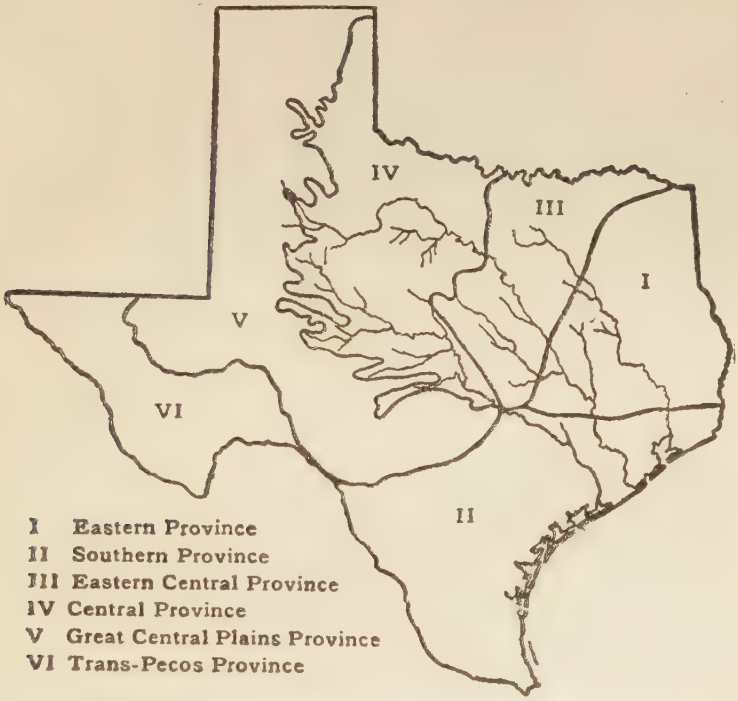
[2] *Ibid.*, p. 3.

[3] Hill, *Topographical Atlas of the Southwest*, pp. 3-5.

[4] *Ibid.*, p. 5.

In its climatic features, Texas is likewise marked by extreme variations. Especially is this true in respect to humidity, evaporation, and precipitation. These features have been important in determining the physiographic conditions

CHART I. TOPOGRAPHICAL PROVINCES



and consequently the industrial and economic dissimilarities throughout the State. Texas is belted from east to west by strips which receive an annual rainfall which ranges from 85 inches in the extreme eastern part of the State to 2 inches in the extreme western part. The climatological records of the United States government for 1919, a year of more than the average precipitation for Texas, show that Anahuac, near the Louisiana boundary registered 85.13 inches of rain-

fall, while the extreme western part of the State, recorded at El Paso 9.87 inches, the decrease from east to west being gradual as the State is crossed.

VARIATIONS IN PRECIPITATION, 1911-1920
(*in inches*)

Year	West	East
1911	10	60
1912	7	59
1913	7	66
1914	14	70
1915	10	61
1916	6	48
1917	2	37
1918	8	57
1919	10	85
1920	6	63
Average	8	61

The abundant rainfall of the East gives rise to the distinctive forest-clad region of the Eastern Province and the absence of precipitation to the shifting sands of the desert areas in parts of the Trans-Pecos Province. Intermediate between these extremes, which are separated by 13 degrees of longitude, is found every transition from excessive humidity to extreme aridity.[2]

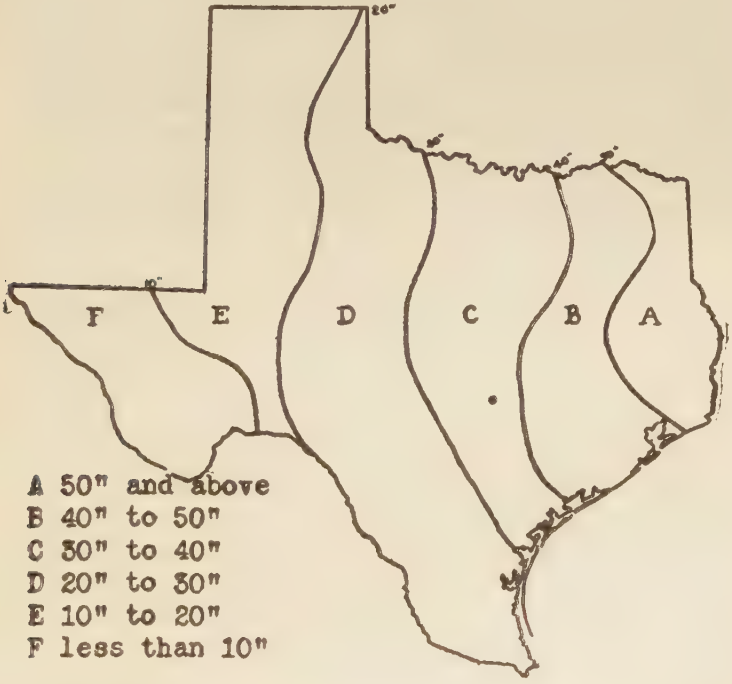
In respect to temperature, different parts of Texas vary between wide limits. So mild is it in some sections of the southern part of the State that subtropical vegetation abounds where there is sufficient moisture. In the extreme northern part of the State the comparatively high altitude and latitude, together with a scarcity of moisture admit of the cultivation of only the hardier plants. It is necessary

[1] U. S. Dept. Agr. Climatological Data, Texas.

[2] United States Department of Agriculture, Climatological Data, Texas Section, 1911-1920.

to bear the wide variations in mind in considering any general statement which may be made with reference to the temperature conditions of the State as a whole. It is obvious that a mean annual temperature reading for one part

CHART II. RAINFALL DISTRIBUTION: 1911-1920
(*in inches*)



of the State will be seriously inaccurate when applied to another part eleven degrees north of the first. Thus, while the annual mean temperature for the State in 1919 was 64.9° (1.0° below normal), the mean for the northwestern part of the State was 52.3°, and that for the southern part was 74.0°. Comparatively stated, the average yearly temperature of the lower Rio Grande differs as much from

the north Panhandle region as does New Orleans from Chicago or Jacksonville from Boston. The daylight temperature is very equable throughout the State, but there is a fall in the Trans-Pecos region of about twenty-five degrees at night, and one of about seven degrees in the eastern and southern sections. The lowest temperature recorded in Texas in 1919 was at Dalhart, in the Panhandle, where the thermometer registered —17°. The highest for the same year, 111°, was recorded at Midland. The lowest temperature recorded between 1911 and 1920 was nineteen degrees below zero; the highest, one hundred sixteen degrees above zero.[1]

The accompanying tables summarize the data with reference to these variations:

EXTREMES IN MEAN ANNUAL TEMPERATURES: 1911-1920

(*in degrees, Fahrenheit*)

Year	Extreme North	Extreme South
1911	55	75
1912	52	73
1913	53	74
1914	56	72
1915	54	73
1916	55	74
1917	54	73
1918	54	74
1919	53	74
1920	54	74
Average	54	74
Spread of averages	20 degrees.	

United States Department of Agriculture, Climatological Data, 1911-1920, Texas.

[1] United States Department of Agriculture, Climatological Data, Texas Section, 1911, p. 3; 1912, p. 3; 1913, p. 3; 1914, p. 147; 1915, p. 149; 1916, p. 147; 1917, p. 147; 1918, p. 147; 1919, p. 148; 1920, p. 145.

EXTREMES IN SEASONAL TEMPERATURE VARIATIONS: 1911-1920
(*in degrees, Fahrenheit*)

Year	Lowest Temp.	Place	Highest Temp.	Place
1911	—16	Plemens	112	Haskell.
1912	—19	Plemens	113	Graham.
1913	—15	Romero	110	Graham.
1914	— 5	Plemens	110	Many places.
1915	—12	Stratford	113	Fort Stockton.
1916	—11	Lieb	115	Eagle Pass.
1917	— 3	Lieb	116	Midland.
1918	—15	Romero	114	Barstow.
1919	—17	Dalhart	111	Midland.
1920	— 4	Canadian	111	Claytonville.
Average	—12	....	112	
Spread of averages			124 degrees.	

United States Department of Agriculture, Climatological Data, 1911-1920, Texas Section.

Evaporation has had an important bearing upon the physical processes influencing the geographic features of the State and through these has exerted a strong influence upon economic and social activity. As it was found in the study of precipitation, the widest variation from one portion of the State to another is seen in comparing the eastern and western sections. Texarkana, which is situated approximately 250 miles from the coast, has an average annual evaporation of 45 inches; while El Paso, situated 600 miles from the Gulf, records an average of 82 inches.[1]

The immense area of the State, the diversity of its climate, topography and soil, together with the consequent differences in the pursuits and interests of its people have been prolific sources of conflicting procedure in the attempt to administer justice to the people in every part of the State. One division, with a problem peculiar to itself, not infrequently finds difficulty in arousing other sections to a realiza-

[1] Hill, *Topographical Atlas of the Southwest*, pp. 3-4.

tion of its needs. One part of the State often justly charges another section with lack of interest in its welfare. The result is a legislative bartering of votes. In order to secure support of a measure touching the needs of a legislator's own part of the State, he is obliged to exchange his vote, and thus pledge his support to a legislative program affecting a section of the State several hundred miles away, where he often has little knowledge or interest in respect to local affairs. The extreme eastern part of the State has in many respects less in common with the western part than the former has with Arkansas or the latter has with New Mexico; while the valley section of the south-central part has more interests in common with California than it has with either of the others. With such differences, due to natural condition, it need not be thought strange that one section should manifest marked displeasure at the treatment it receives from another at times, or that two or more sections should combine and prevent needed legislation affecting another quarter until they have exacted a promise of support with respect to some trivial matter of common interest. Legislation concerning such questions as the pink boll-worm, the bounty on wolf scalps, tick eradication, and development of mineral resources has met with indifference or has had strong sectional opposition because such measures are sectional in nature and application.

Texas had in 1920 two hundred fifty-three counties and a total population of more than four and one-half million people. Although the capital is situated not far from the geograprical center of the State, some of these counties are so remote from it that a citizen in the northwest part would find it more convenient in respect to distance or railway communication to attend the legislatures of New Mexico, Colorado, Wyoming, Nebraska, Kansas, or Oklahoma than that of his own state; while an East-Texan is nearer the capitals of Oklahoma, Arkansas, Mississippi, and Louisiana than he is to the city of Austin.

PART TWO
HISTORICAL DEVELOPMENT

CHAPTER III

Historical Background of Division

Prior to the years during which Texas negotiated the arrangements which resulted in her admission as a State into the American Union few well-defined cleavages arose within its borders or were considered potential by its people other than that which had for its basis slave ownership. There were a few Mexicans scattered here and there in the State, but its population was composed chiefly of immigrants from the United States, more than half of whom either openly advocated and defended the principle of slavery or condoned it on the grounds of utility. The more populous colonies had been settled in the lower courses of the Brazos and Colorado rivers. Many of the low-lands of these early settlers were very unhealthy until they were "cleared out," and it was well known that only colored labor could be used to advantage in these sections. Stephen F. Austin, though opposed to slavery in principle, tolerated it in his colony and used his influence with President Guerero and the Mexican government, which abolished the institution upon gaining its independence from Spain, to exempt Texas from the provision. The cause of the abolitionists had its chief support from the western margin of settlement.[1]

When the question of annexation arose, slavery became the chief issue both in Texas and at Washington. The question as to the attitude of Mexico and possible complica-

[1] *The South in the Building of the Nation*, chs. i, ii, iii; Bancroft, *Pacific States*, p. 88; Garrison, *Texas*, pp. 158, 172-173; *Revue des Deux Mondes*, April 15, 1840.

tions with her had a considerable bearing, but it was secondary. Senator Benton, of Missouri, commenting on the treaty of annexation expressed a sentiment which was very prevalent in the North when he declared, "The treaty was not drawn for the purpose of obtaining Texas, but, by bringing that country in as a territory with a view to laying it out in slave states, to prepare openly for another Missouri question, and to pave the way for a dissolution of the Union." [1]

A similar attitude concerning the question of slavery was taken by many of the leading newspapers of the day. The following is fairly typical of those which assumed a radical attitude: "Slavery is the paramount issue; Vox Populi, Vox Dei." [2]

Anticipating complications over the vast area of Texas, in case it should become a state, Senator Benton introduced into the United States Senate December 11, 1844, a bill providing for the reduction of Texas and for a partial solution of the anticipated trouble before the State should be admitted. An extract from the bill reads as follows:

Sec. III. A state to be called *the State of Texas,* with boundaries fixed by herself, and an extent not exceeding that of the largest state of the Union, be admitted into the Union by virtue of this act, on an equal footing with the original states.

Sec. IV. The remainder of the annexed territory to be held and disposed of by the United States as one of their territories, and to be called the Southwest Territory.

Texas gave so little support to this proposition that its author and friends at Washington considered vigorous efforts in its behalf unwarranted, and consequently no positive results were effected.[3]

[1] *Congressional Globe,* 28th Congress, First Session, p. 607.

[2] The Cincinnati *Herald,* July 27, 1844.

[3] *Congressional Globe,* 31st Congress, First Session, p. 165.

In general, it was thought by early settlers that environmental conditions were not sufficiently distinctive in character to make for great variations. This is indicated by numerous articles and standing appeals carried in the newspapers of the period with the object of attracting immigration. The following lines taken from one of the widely-read papers of the day is fairly typical of such advertisements. After setting forth many outstanding inducements, the article states that "in general appearance, as well as in adaptation to particular products, the country is properly divided into three parts. The first begins with the coast, and extends northward about one hundred miles, more or less. The second lies north of the first and may be about equal in extent, whilst the third, constituting the northern portion is irregular in shape, and in extent is considerably larger than either of the others. I would not be misunderstood as saying that the characteristics of any one part are peculiar to itself; most of them are not." [1]

In the first steps taken by Texas toward annexation with the United States no action was taken which would have specifically recognized the right of division into a plural number of states, although the subject was discussed both in the State and at Washington. The treaty of annexation which later resulted from the negotiations did not mention divisions.[2] The treaty, though signed by the Texas representatives, was never ratified at Washington. In the joint resolution proposed by Congress on March 1, 1845, and assented to by Texas July 4, of the same year, according to the provisions of which Texas took its place among the states of the American Union, the right of division was specifically recognized and the conditions and methods by which such action should be taken were prescribed. The provisions were as follows:

[1] La Grange *Intelligencer*, September 16, 1845.

[2] La Grange *Intelligencer*, May 23, 1844.

And be it further resolved that the foregoing consent of Congress is upon the following conditions and with the following guarantee, to-wit: . . . Third, New states of convenient size, not to exceed four in number in addition to said State of Texas and having sufficient population may hereafter by the consent of said State of Texas, be formed out of the territory thereof, which shall be entitled to admission under the provisions of the Federal Constitution, and such states as may be formed out of that portion of the territory south of thirty-six degrees, thirty minutes, north latitude, commonly known as the Missouri Compromise, shall be admitted into the Union with or without slavery, as the people of each state asking for admission may desire, and in such state or states as shall be formed out of said territory north of said Missouri Compromise line, slavery or involuntary servitude (except for crime) shall be prohibited.[1]

In anticipation of probable complication, and with the desire to empower the President with authority to consummate the work of annexation, it was moved that the resolution be amended by adding thereto the following: "*And be it further resolved,* That if the President of the United States shall, in his judgment and discretion, deem it most advisable, instead of proceeding to submit the foregoing resolutions to the Republic of Texas as an overture on the part of the United States for admission, to negotiate with that Republic, then Be it resolved, That a State, to be formed out of the present Republic of Texas, with suitable extent and boundaries and with two representatives in Congress, until the next apportionment of representatives, shall be admitted into the Union by virtue of this act, on equal footing with the existing States, as soon as the terms and conditions of such admission, and the cession of the remaining Texas territory to the United States shall be agreed upon." [2]

[1] Joint Resolution of United States Congress, March 1, 1845.

[2] *Congressional Globe*, 28th Congress, p. 74.

In the vote of January 25, 1845, in the United States Congress on the joint resolution providing for admission, there were one hundred twenty affirmative votes and ninety-eight negative votes. Some of the Congressmen gave reasons for their opposition. According to the *Washington Globe,* twenty-seven opposed the resolution because the compromise line was not what it was thought it should be. Four from Maine opposed it because they thought the State should have been divided into equal, or nearly equal, free and slave states to begin with.[1]

In the Convention called by President Jones and assembled on the fourth day of July 1845, there was a strong feeling that the action of the United States was not definite with respect to many things, but more especially in regard to the boundaries of Texas. It was therefore proposed that the resolution be accepted with some sort of amendment concerning those points, and that Texas divide into several states in order to make sure of her political importance in the United States.[2]

The provisions for a possible division into five states were due primarily to two facts, namely: first, to the vast area and the variety of natural resources, second, to the fact that the State would enter as a slave state and with such a provision would have potential posibilities attractive to the other slaveholding states of the Union.

Owing to the influence brought to bear in Congress and in England, where the final action was given much concern, and to a strong opposition to slavery on the part of some of the western sections of the State, some of the prominent leaders were in favor of a division into two parts, one of

[1] *Congressional Globe,* 28th Congress, Second Session, p. 171; *Washington Globe,* February 28, 1845.

[2] Donnalson, private, July 11, 1845; Elliot, August 12, 1845, Sen. Doc. I, 29th Congress, First Session, p. 76.

which should be a free state and the other slave. This notion was given expression by Mr. John P. Hale of New Hampshire, then Democratic Representative, but later Republican Senator, who proposed an amendment to any measure providing for the admission of Texas as follows: "Provided, that immediately after the question of boundary between the United States of America and Mexico should have been definitely settled by the two governments, and before any state formed out of the territory of Texas shall be admitted into the Union, the said territory shall be divided as follows: beginning at a point on the Gulf of Mexico midway between the north and south boundaries thereof on the coast; and thence by a line running in a northwesterly direction to the extreme boundary thereof, so as to divide the same as nearly as possible into two equal parts, and that portion of said territory lying south and west of the line to be run as aforesaid, there shall be neither slavery nor involuntary servitude otherwise than in punishment of crime, whereof the party has been duly convicted." [1]

Senator Hale's proposal to divide Texas into two states, one free and the other slave, showed the Northern attitude and desire, but such a movement was evidently more than the South could be expected to concede.[2]

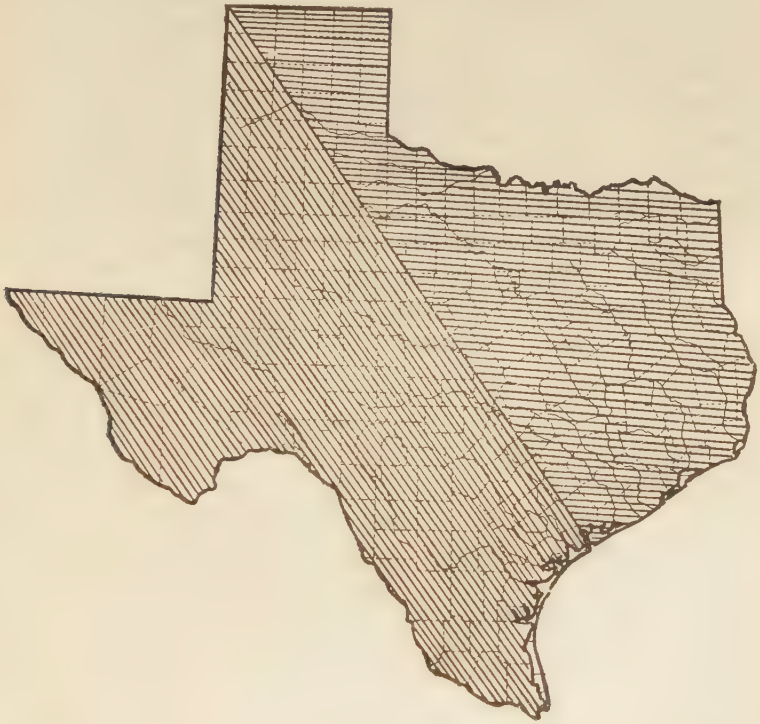
Van Zandt was minister from the Republic of Texas to Washington during the last years prior to annexation, and while he was there he became very intimate with the Senators and Representatives from the southern states. Due in part to their influence and in part to his own convictions as to the propriety of providing for as large a number of Senators from the South as possible in order to maintain a balance of power, he gave active support to the provision which

[1] *Congressional Globe*, 29th Congress, First Session, p. 143. Yoakum, *Texas*, ch. ii, pp. 418-420.

[2] Smith, Justin H., *Annexation of Texas*, p. 330.

made possible division of Texas into a group of states. In the campaign of 1847, two years after the admission of Texas, he canvassed the State in behalf of his candidacy for the office of Governor upon the issue that immediate

CHART III. PRROPOSED DIVISION INTO FREE STATE AND SLAVE STATE
(*East Texas, slave; West Texas, free*)



execution of the right of division should be exercised by the State, and announced that this would be a feature of his policy as soon as he should assume the duties of his office as Governor, should he be elected. He contended that the arm of the State was too short to reach out effectively and execute its administrative functions over the immense area

of the present State as a single unit. Had he lived through the campaign, the State of Texas would with great probability have been formed into more than one state, as his policies were endorsed by a strong representation of the people of all sections of Texas.[1]

Van Zandt and his supporters advocated division chiefly on the grounds of the impracticability of attempting to establish an efficient system of government over so vast an expanse of territory which had such meager facilities for communication and such variety of differentiated interests. The small population, instead of being spread uniformly over the State, was situated in settlements remote from each other. Often there was an intervening distance of hundreds of miles from one group to another, and the absence of railway or telegraph communication rendered concerted action on any question physically impossible. Weeks and even months often elapsed after official communications were issued from the seat of government before the information they contained could reach the various settlements scattered throughout the State. Difficulties equally great were experienced in the execution of the law. For these reasons Van Zandt and his supporters urged that three additional state governments should be organized without delay. The question of slavery was already an issue, and it would, no doubt, have received a considerable share of attention in the working-out of plans had Van Zandt been elected.[2]

[1] Yoakum, *Texas*, p. 394.

[2] Garrison, *Texas*, "A Contest of Civilization," pp. 255, 256; Van Zandt, no. 109, October 16, 1845.

CHAPTER IV

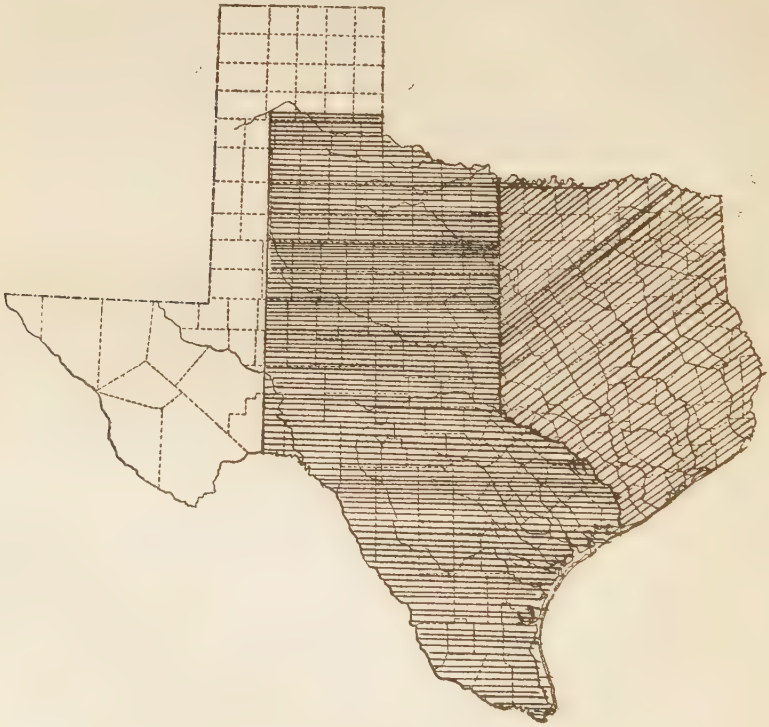
Early Statehood Period

Aside from occasional newspaper discussions, the question of division received little attention in Texas after the death of Van Zandt until the latter part of the sixties. The annexation of Texas precipitated war between the United States and Mexico, as was threatened by Mexico during the last years of the Texas Republic. The attention of the Nation was naturally centered upon Texas because of her recent admission as a state and because of the consequent war. Not infrequently did the question of admission of a state, or of some phase of slavery suggest the possibility of trouble over Texas. On January 16, 1850, Senator Benton, who in 1844 tried to reduce Texas before its admission, introduced a bill designed to accomplish such an end. The bill appeared in the following form, providing first, that Texas should reduce her boundary on the west to the one hundred second meridian of west longitude, and on the north to the main, or Salt Fork, of the Red river between the meridians of one hundred and one hundred two degrees. Second, that when the population of the State should equal or exceed "one hundred thousand souls" west of the line formed by the ninety-eighth meridian of west longitude and by the Colorado river "from its mouth to its intersection by said parallel, then the State of Texas will further reduce her western boundary to that line as reduced by the first article of the agreement, shall be and remain a separate state, entitled to immediate admission into the Federal Union, on an equal footing with the original states." [1]

[1] *Congressional Globe*, 31st Congress, First Session, p. 166.

Mr. Benton took advantage of the parliamentary privilege which grants the Senator the right in introducing a bill to make explanations of the measure without giving those who

CHART IV. PROPOSED REDUCTION AND DIVISION OF 1850
(*Unshaded area, proposed reduction*)



oppose it the privilege of registering their opposition. By means of this privilege he had an uninterrupted speech in support of his measure lasting almost an hour.

Senator Foote, of Mississippi, who entertained bitter resentment against Senator Benton, introduced an omnibus bill providing territorial government for the newly acquired possessions, and enabling the citizens of Texas east of the

Brazos river to be organized into a state by the consent of Texas, to be designated the State of Jacinto. The following is an extract from Senator Foote's bill:

Sec. 54. *And* be it further enacted, that with the consent of

CHART V. "STATE OF JACINTO," PROPOSED, 1850 (*shaded area*)

the State of Texas, first had and obtained, the people of that portion of the said State of Texas included within the boundaries hereinafter designated, be and they are hereby authorized to form for themselves a constitution and State government; and the said State when so formed, *provided* that its constitution be republican in character, and not repugnant to the constitution

of the United States, shall be admitted into the Union upon equal footing with the original States in all respects, whatsoever, said new State to be designated as the State of Jacinto, or by such other name as the people thereof shall select for themselves.

Sec. 55. *And be it further enacted,* That the said State of Jacinto shall consist of all the territory embraced in the following boundaries, to-wit; beginning at the mouth of the Brazos river, and in the middle thereof, and running by and with the middle thereof to a point of intersection of the northern boundary line of the State of Texas, as laid down in act of the Republic of Texas, entitled "An act to define the boundary of Texas" passed in the year 1835, thence by and with the said boundary line to the point of its intersection with the western boundary of the State of Arkansas; thence . . . to the point of beginning.[1]

These two bills gave rise to animated discussion for a time following their introduction, but neither was ever given much consideration by the Senate.[2]

The most noteworthy movement for division of territory during the early period of statehood within Texas was during and immediately prior to the fourth legislature. The West and the East, as the parts of the State were usually referred to, were very antagonistic. Each was charged with lack of ability and inclination to look after the other's welfare. The consideration given the measure at Washington was a part of the same general era of agitation. It was formally brought before the people of Texas on February 16, 1852, when Mr. Flanagan, of Rusk, proposed and introduced a joint resolution providing for division of the State into two parts as indicated in the accompanying copy of the measure:

[1] *Congressional Globe*, 31st Congress, First Session, pp. 170, 171.

[2] Roosevelt, *Thomas H. Benton*, p. 322; *Texas Historical Association Quarterly*, vol. vii, p. 179.

Joint resolution, proposing to the people of Texas a division of the State.

Sec. 1. Be it resolved by the Legislature of the State of Texas, That the State of Texas be divided into two States, by a line commencing with the mouth of the main estuary of the Brazos river, thence up said river with its main channel to where the one hundred one and a half degrees of west longitude from Greenwich crosses said river, thence with said degree of one hundred and a half, north to the northern line of the State, so that the territory east of said line shall compose one State, and all west of said line the other State.

Sec. 2. That this resolution shall be submitted to a vote of the people of this State in accordance with the provision of the constitution, authorizing amendments proposed to be made to that instrument to be submitted to them.

Mr. McDade, of Washington, moved the rejection of the resolution, and his motion carried with a vote of thirty-three to fifteen. The vote of two to one against division reveals an overwhelming disapproval of division along the plan suggested but not so great an opposition to division as the vote would indicate. Some who opposed the immediate scheme favored division along other lines. It is singularly apparent throughout the agitation for dismemberment that to the Texans a two-part division has always met with disfavor.[1]

The press of the State offered little encouragement to the movement. Their objections, however, were registered chiefly on the grounds of sentiment. One widely read newspaper asked, "Who will be willing to give up the name of Texas? Which State would yield the emblem of a single star? Who will give up Houston and Rusk? Who will give up the blood-stained walls of the Alamo?"[2]

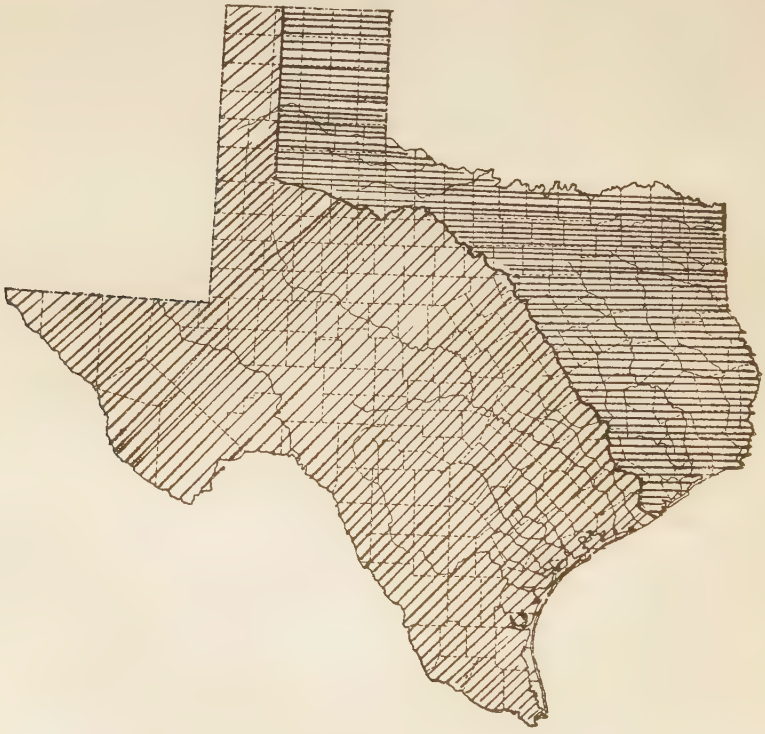
The Mexican war troubles were scarcely concluded when

[1] *House Journal*, 4th Legislature, Regular Session, pp. 876.

[2] Texas *State Gazette*, October 30, 1852.

secession began to absorb public attention, and when Texas with her sister states of the South was in arms against the Federal Union. During this civil strife lines were tightly drawn throughout the State. Those individuals who from

CHART VI. FLANAGAN'S PLAN OF DIVISION (1852)



principle supported the Confederacy took sides at once. Others, being Northern in sympathy, and finding it impossible to bear the social ostracism of their fellows found their way into the Union armies or among the civil population of the North, or managed to escape notice by taking to places of hiding in the States. With the war ended, Texas enters

the darkest period of her varied and most remarkable history.

During the time commonly referred to as the Reconstruction Period the conditions just alluded to were reversed. Those who had taken up arms with the Federal government or who had managed to find hiding places in the South, and those, who, due to their convictions, still upheld the right of the central government to coerce the seceded states, were given the work of executing the orders of a government which sought to reestablish law and order in a defeated rebel state. The "Ironclad" oath rendered ineligible for civil service most of the best talent of the State, and the administration of affairs by the minority, together with the newly arrived carpet-bag imigrant from the North, who had come for that purpose, led to hardship and dissatisfaction on every hand. All hope lay in the forth-coming constitutional convention.

This convention met in Austin February 7, 1866 pursuant to the proclamation of His Excellency, A. J. Hamilton, Provisional Governor of Texas, issued November 15, 1865, for the purpose of altering or amending the Constitution of the State. Among the eighty-nine delegates to this convention were Throckmorton, Runnels, Roberts, and Davis, who afterward served as chief executives of the State of Texas.

The work for which the Convention assembled engaged the attention of the delegates for the first month of the session. During this time, however, both the eastern and western parts of the State were quietly working out a plan which those supporting it hoped would eventually result in a division of the territory embraced within the limits of Texas into more than one state. The western and southwestern sections were settled by a people composed largely of Germans, who from the days of annexation, had been

looking with favor on any plan which seemed to give prospect of independent existence. This part of the State had at all times been opposed to slavery, and had given strong support to the proposed amendment to the resolution which, if it had been adopted, would have divided the State into two parts, one of which would have been forever a free state.[1]

The East was no less urgent in its demands. It contended, first, that its interests were not identical with those of the other sections, and second, that its racial composition presented complexities which could not be made to harmonize with the needs of other parts of the State.

Accordingly, on March 6, 1866, Mr. Flanagan, one of the delegates from Rusk county, introduced a resolution instructing the Committee on Conditions in the State to consider the propriety of dividing the State by the Trinity river line, so as to form a separate State out of the terrtory embraced between the Trinity river and the Louisiana boundary, including in East Texas what had prior to the time been the First Congressional District of Texas, excepting therefrom the territory west of the counties of Dallas, Collin and Grayson, and if such a measure be found expedient, to report an ordinance amending the Constitution so as to confer upon the Legislature the power to take steps toward the division of the State and for the adjustment of the rights of the eastern part of Texas in respect to the public domain and the school fund, and for the apportionment to each of the States of its share of whatever public debt might be existing at the time of such division. The resolution was adopted without opposition.[2]

The Committee reported on Mr. Flanagan's resolution ten days later with the following ordinance:

1 Ramsdell, *Reconstruction of Texas*, pp. 106, 112, 113.

2 *Convention Journal*, p. 135.

Preparatory to the establishment of a new State within the present territorial limits of Texas

Section 1. *Be it ordained by the people of the State of Texas in convention assembled,* That it shall be and may be lawful for a new state to be organized within the present territorial limits of the State of Texas, which state shall include the following counties to-wit: Jefferson, Orange, Chambers, Liberty, Hardin, Jasper, Newton, Tyler, Polk, Trinity, Angelina, Nacogdoches, San Augustine, Sabine, Shelby, Panola, Rusk, Cherokee, Houston, Anderson, Henderson, Smith, Van Zandt, Kaufman, Wood, Upshur, Harrison, Marion, Davis, Bowie, Titus, Hopkins, Red River, Lamar, Fannin, Hunt, Collin and Grayson, and which shall be called East Texas.

Section 2. Before such State shall be organized, and in order to ascertain the sentiments of the people in the counties above named, in reference to such organization, it shall be the duty of the Governor to issue his proclamation, calling upon all the qualified electors, at the time of voting, residing within the limits of the counties aforesaid, at the first general election for the State and county officers after the present State has been restored to its former relations in the Federal Union, to indicate by their vote whether such organization is desired. Those in favor of the organization shall write or print on their ticket "Division." Those opposed, "No Division."

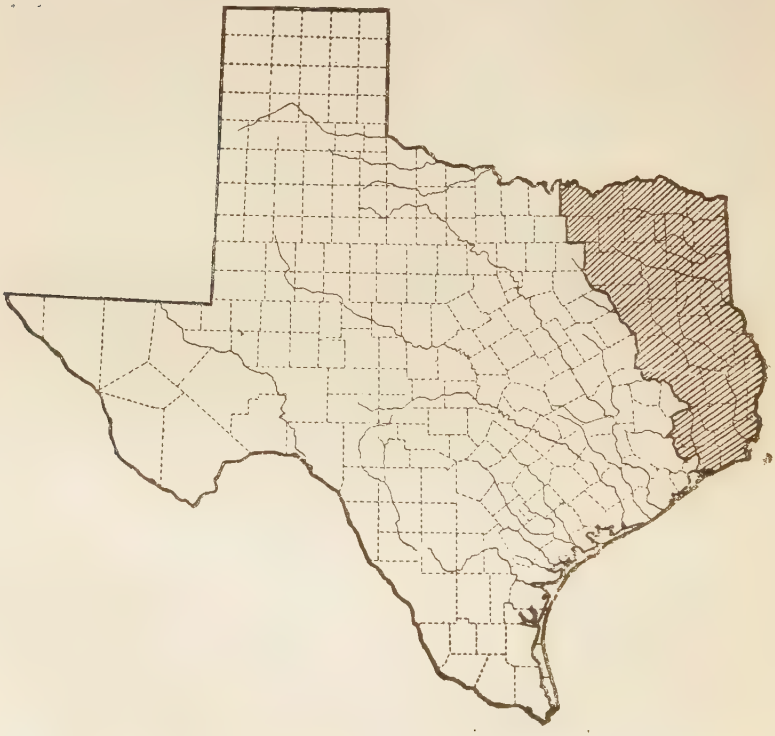
Section 3. The return of the votes thus cast shall be made in the usual due and legal manner that election returns for the State and County officers are made to the Secretary of State, and shall be counted as other elections.

Section 4. Should a majority cast on that subject be in favor of the organization aforesaid, it shall be the duty of the Governor to order an election to be held in those counties for delegates to attend a Convention at the town of ——, for the purpose of framing a constitution, and doing such acts as may be necessary to put such a new State Government into operation.

Section 5. Until such organization is completed, the counties aforesaid shall remain a part and parcel of the State as it now

exists, and under any and all circumstances, should said State be organized, all rights and obligations, in respect to indebtedness, public lands, school funds, internal improvement, shall remain unimpaired, and shall be fairly and equitably adopted.

CHART VII. "EAST TEXAS," PROPOSED, 1866



The ordinance was read a first time and passed to the orders of the day.[1]

The question of dismembering the State, thus set forth, was destined to engage for a period of more than six years the attention of leaders of State affairs to the subordination

[1] *Convention Journal*, 1866, p. 188.

of the problems of vital interest which were constantly arising for solution.

At this time Texas was very sparsely settled throughout the central part of the State, and the northwestern portion was unorganized and practically uninhabited. Even the most optimistic forecasts respecting the future development of the State contained no assurance of immediate need for the barren tract to the northwest. The State was in need of much internal improvement and there were no ready funds with which to make them. In order to meet one of the more pressing needs of the time, the committee on Conditions of the State, through the chairman, Mr. Norton, reported that the committee on Conditions of the State had had the subject of the division of the State and the disposition to be made of the unsettled portion of the territory of the northwest part of the State under consideration, and had instructed him to report the accompanying ordinance and to recommend its adoption.

AN ORDINANCE

To provide for the sale of a part of the public domain of the State

Section 1. *Be it ordained by the people of the State of Texas in Convention assembled,* That the Legislature of this State is hereby authorized and empowered to sell to the United States all that portion of the State lying west of a line beginning at the mouth of the Pecos river; thence up that stream to Fort Lancaster; thence in a right line to Red river at a point where the 102d parallel of longitude crosses that river; and that the money arising from said sale be set apart as a perpetual school fund.[1]

The committee made special report on the Flanagan resolution at the same time, stating that it had had under con-

[1] *Convention Journal,* 1866, p. 202.

sideration a resolution in regard to constitutional amendment providing for a future division of the State, and had instructed him to report the following ordinance and recommend its adoption.

AN ORDINANCE

To provide for a division of the State of Texas

Section 1. *Be it ordained by the people of the State of Texas in Convention assembled,* That the Legislature shall be vested with the power to give consent of the State to the erection of a new State within the limits of this State and to pass all laws necessary to designate the boundaries of such new state or states and to enable the people of the same to organize State governments. The Legislature is also vested with the power to settle the claims of such new state or states to a proper share of the school fund and the public domain.[1]

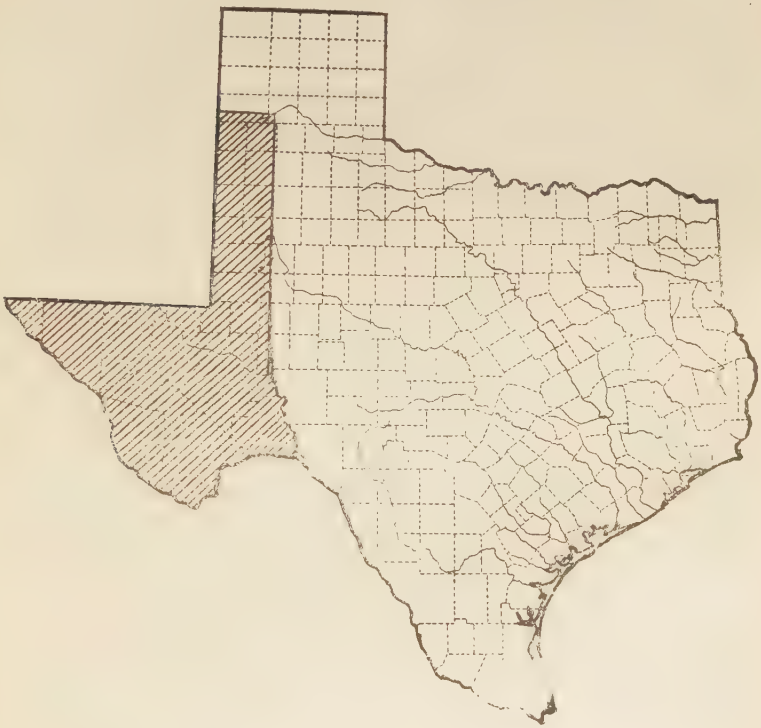
On April 1, the day before the Convention adjourned, at the close of the day's session the question was brought up, and Mr. Norris of District No. 61 in west Texas, offered a substitute for the ordinance touching division of the State, but the Convention adjourned for the day without taking a vote. On April 2, the last day of the session, Mr. Norris' substitute was voted down and the original ordinance passed with a vote of thirty-one Yeas and seventeen Nays. The Convention thus went on record by vote of nearly two to one as favoring division of the State.

The last scenes of the Convention were marked by more than usual tension. W. M. Taylor was presiding, and it was well known to the Convention that he was supporting the proposal to divide the State and that he desired an affirmative vote before the body brought its labors to a close. The rules were suspended *viva voce* despite the efforts of many of the members to gain recognition in protest against

[1] *Convention Journal*, 1866, p. 202.

the unparliamentary procedure. When the Yeas and Nays were called for on the resolution, it was found that a quorum was lacking.

CHART VIII. REDUCTION PLAN OF 1866
(Shaded area, proposed sale)



The feeling against the presiding officer was very bitter, and the following protest by Mr. Bumpass of Collin county, and others made against the measure itself and the method by which it was carried gave expression to their resentment:

I stand here to protest, in positive terms, against any and all measures looking to a division, either now or hereafter, of the

great State of Texas; against giving the people of any portion of the State the power of doing the same. I declare that in my judgment, nothing would be more suicidal, nothing more dangerous, nothing more disastrous to the people of the State, and the people of the great southwest, than the adoption of this uncalled for and unholy measure. It will weaken the influence of the South-west in our National Legislature, if our brethren of the North are ever forgiving enough to allow us our representation there. It will create small states, perhaps antagonistic to each other, instead of presenting an unbroken front in opposition to any measure calculated to injure the interest of the southwestern portion of this American Republic. It will estrange the people who above all others should be our friends. It will, while it may tend to increase the number of Senators in the United States Senate, weaken their influence by causing their interests to clash. I protest against it because the signs of the times indicate that we are on the very eve of important events, which may terminate forever the existing civil and religious liberty of this American continent, or that it may be lost for a long time amid the ruins of a military despotism; and then, if Texas shall have remained united, it will have territory sufficient, it may have population great enough, to seize once more the old Star of Texas and raise it above the common ruin by which it may be surrounded; or like the brave defenders of the Alamo, go down defending Texas as it was, as it is, and as I pray God it may always be, united, unaltered, and unchanged.

I wish Texas to remain the great territorial State she is, that in a future day if the worst comes, and amid a conflict for power between parties now organizing, both North and South American liberty should be lost, that Texas, located far to the southwest, united as she should be, may furnish a nucleus around which may rally the lovers of free and republican form of government, or furnish sepulchers for the last who desire to perpetuate the boon.

(Signed) BUMPASS, M. T. JOHNSON.

I protest, too, against the way and manner this measure has been carried. In this, that under the rules of the Convention

it requires a majority of four-fifths of the members to suspend the rule, and on this motion as many as half a dozen members called in a loud voice for the Yeas and Nays, which call was disregarded by the president presiding, and the vote taken proclaimed by him as carried by sound; and further because when the vote was taken on the final passage, it was found that a quorum was not voting; when the members were brought in, and required by the president presiding to vote without leave of the convention for them to do so.

(Signed by ten delegates.)

It is significant that all of the ten delegates who signed the protest were either residents of the proposed East Texas or of border counties.

During the three months intervening between the closing of the Convention and the convening of the Eleventh Legislature, the proponents of division were busily engaged in endeavoring to develop a sentiment which would yield favorable results at the hands of the latter body. The Legislature convened on August 6, 1866, but no action was taken in a formal manner until October 20, when Representative Barrymore, of Burnet County, introduced a resolution designed to bar the consideration of the question. His motion lost by a vote of 29 to 44.[1] Four days later the question was again raised by Representative Buford who introduced a resolution declaring it to be the sense of the House of Representatives that it was expedient to divide the State. This motion was postponed until November 13, the last day of the session, by vote of 42 to 28.[2]

The next step was taken by the Senate, which adopted a resolution instructing the Committee on State Affairs "to inquire into the propriety of dividing the State, as contemplated by the late Convention."[3]

[1] *House Journal*, 11th Legislature, p. 652.

[2] *House Journal*, 11th Legislature, p. 687.

[3] *Senate Journal*, 11th Legislature, p. 59.

Soon afterwards Senator Glenn introduced a bill preparatory to establishing a new state, but the Committee to which it was referred reported unfavorably. The subject fared better, however, with the Committee on State Affairs, which submitted a minority report advocating immediate action owing to the inability of the antagonistic sections of the State to secure effective legislation. It recommended the submission of the question to popular vote and proposed the boundaries of a new state in East Texas to contain approximately one-half of its wealth and population. The Senate adopted the majority report by a vote of 16 to 10.[1]

The germ of division of the Convenion of 1866 very soon took effect at the National Capitol. On January 3, 1867, Congressman Stephens of Pennsylvania asked unanimous consent to introduce into the United States House of Representatives a resolution providing "That the Committee on Reconstruction be instructed to inquire into the expediency of dividing Texas into two or more states, to be admitted into the Union when duly qualified." Objection was raised by Mr. Eldridge on the ground that "one State of Texas is enough to be held under despotic government." The lack of interest in Congress was very evident, and no support destined to be of value could be obtained. Although this action was early in the session, the matter did not arise again during the thirty-ninth Congress.[2]

[1] *Senate Journal*, 11th Legislature, pp. 4-5, 4-6.

[2] *Congressional Globe*, 39th Congress.

CHAPTER V

Reconstruction Convention and Division

The first session of the reconstruction convention met in Austin June 1, 1868 and brought its labor to a close three months later. Much of the time was spent in discussing questions which bore but slightly upon the immediate needs of the State. The ninety delegates to this convention were selected from the various sections of the State, their number and the manner of their election having been made to correspond to that of the lower house of the Legislature. Of the twelve conservatives in the Convention only one, Judge Lemuel D. Evans, of Titus, was considered by the public to be a man of eminence and power.

Governor E. M. Pease in his message to the Convention on June 3, 1868 after their organization introduced the division question by saying,

> The division of Texas into two or more states is a question that has received much discussion, and will doubtless be brought before your honorable body. I do not think that the public interests would be advanced by adopting such a measure at the present time. Our population does not probably exceed eight hundred thousand; and to subject them to the expense of two or three State governments in their present impoverished condition would not only be a very great burden, but would greatly diminish their ability to support a proper system of public education and to give encouragement to the measures that are needed to develop the wealth and resources of the State. If this measure is insisted upon, it must undoubtedly delay our return to the Union; for the act of Congress under which the effort to

reconstruct Texas is now being made, provides for the establishing of only one State within our territory. Should such a division hereafter be desired by our people, it can be more readily adjusted and carried out after we shall have been restored to the Union than it can be while we are without the Representative in Congress.

There is another measure to which I would respectfully invite your attention, and that is, the propriety of authorizing a negotiation to be opened with the United States Government for the sale of that portion of our territory lying west of a line drawn from the mouth of the Pecos river to the northwest corner of Hardeman county. This would include no part of the State that has been laid off into counties except El Paso and Presidio counties, which are so far separated from other parts of the State by a large uninhabited tract, that they cannot be properly accommodated with courts without making them a separate judicial district, at an expense greatly disproportionate to the revenue derived from taxation on the whole of the territory to be sold. It is believed that the inhabitants of those counties will be favorable to the measure. This territory adjoins the territory set apart by the United States Government for the Indians and would be useful to them in carrying out the Indian policy. It would be far more valuable to them than it can ever be to this State; and they will doubtless pay us a price for it greater than we can realize from it in any other way. If we retain it we shall probably fritter it away as we have the rest of our public domain, without securing any substantial benefit from it, while with the money we may obtain from such disposition of it we shall at once be in possession of a fund that will enable us to do something effective for education, internal improvement and immigration without subjecting ourselves to onerous taxation. Such a sale would still leave us sufficient territory to form three large States, whenever our citizens shall desire division of it.[1]

On June 8, Mr. Monroe introduced a resolution providing

[1] *Convention Journal*, First Session, pp. 15, 16.

for the reference of such part of the Governor's message as referred to the division of the State to a special committee consisting of ten members. Mr. Degener who was a member of the Convention of 1866, and who became one of the

CHART IX. PROPOSED REDUCTION OF 1868
(*Shaded area, proposed sale*)

recognized leaders of the division group offered the following substitutes for the resolution offered by Mr. Monroe: "Resolved, that a committee of fifteen be appointed by the President to take into consideration the division of the State and that said committee be and is hereby instructed to investigate this matter, and if in the judgment of said com-

mittee a division of the State is now expedient, that said committee be instructed to report to the convention without delay a plan of division and regulations for carrying out the same." The resolution of Mr. Degener was adopted, the committee was appointed, and the subject of division referred.

The alignments of delegates, as well as the reaction of the public was sectional rather than political in the beginning of the first session. The divisionists' group, led by the President, E. J. Davis, was composed of both conservatives and radicals, and so was the faction opposed to division, led by A. J. Hamilton of Travis. With the exception of a group which stood out firmly against every proposal to divide the State regardless of lines or bases for the cleavages there were frequent shiftings revealed in the test votes from day to day, depending upon the sectional interests which might for the time be involved.

While events were taking form in the Texas Convention, similar movements were likewise being enacted at Washington, Congress had attempted to set in motion the division of the State in 1866, but the timely interference of Mr. Eldridge blocked the procedure, and no further action was taken during that session of Congress. On June 9, 1868, however, Mr. Beaman reported a bill known as House Resolution No. 1203, to erect two additional States in the territory embraced within the present limits of Texas. This bill was read a first and a second time, ordered to be printed, and recommitted.[1]

Before further consideration of the Beaman bill had been given, Representative Stokes introduced a joint resolution known as House Resolution No. 298, providing for the division of the State of Texas and for the admission of the same into the Union. The resolution was read a first

[1] *Congressional Globe*, 40th Congress, p. 2971.

and a second time, was referred to the committee on Reconstruction and ordered printed.[1]

The Beaman bill, as reported by the Committee on Reconstruction through the Author, took first place in Texas, and was often referred to thereafter by the Convention and by the press as the *Congressional Plan of Division.* It was printed as follows:

A Bill to provide for the erection of two additional States out of the Territory of the State of Texas, and for other purposes

Whereas, The people of the State of Texas desire to erect out of the territory of the State two additional States of convenient size, and

Whereas, The People of said State of Texas in pursuance of an act of Congress passed March 2, 1867, entitled, an act for the more efficient government of rebel states, and of the several acts supplementary thereto, have elected delegates to a convention to form a constitution of government for the said State of Texas, and

Whereas, It is desired that the two additional States be formed out of the territory of the said State of Texas be respectively bounded and named as follows—that is to say: That all that part of the territory of the said State of Texas situated and embraced within the following lines, viz.: Beginning at a point in the middle of the channel between Galveston Island and Bolivar Point, thence through Galveston bay to the mouth of the San Jacinto river to its confluence with the eastern fork of the San Jacinto, thence up said eastern fork with the western boundaries of the counties of Liberty and Polk, thence north to the Trinity river, thence up said Trinity river to the mouth of Bois d'Arc or east fork of the Trinity, thence north to the south-west corner of Fannin county, thence north with the western boundary of Fannin to Red river, thence down said Red river to the eastern boundary of the State of Texas, thence south with the eastern boundary of the State to the Gulf of

[1] *Congressional Globe*, 40th Congress, p. 3164.

Mexico, thence west across the Gulf to the point of beginning, be erected into a new State to be known by the name of the State of East Texas: and embraced within the following described limits, viz.: Beginning at a point in the Pass Cavallo, through Matagorda Bay to the Colorado River, thence up the said Colorado river to where it is intersected by parallel thirty-two degrees north latitude, thence due west to the Rio Grande, thence down said Rio Grande and up the Gulf of Mexico to the Starting point, be erected into a new State to be called and known by the name of South Texas; and that the residue and remainder of the Territory of said State of Texas be known by the name the State of Texas, therefore

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, that whenever the said delegates shall be assembled in convention, the said delegates to said convention shall organize and form themselves into three respective conventions, each of the said conventions respectively, to be composed of the delegates respectively residing within the respective limits of the proposed States, as bounded and described in the preamble of this act.[1]

On June 9, while the bill was under consideration at Washington, a committee of fifteen was selected by the Convention to investigate the plan proposed by Congress, and to make recommendation to it for action. An examination of the bill resulted in the recommendation that a few minor changes in the boundary line near the mouth of the San Jacinto river be made, and that with these alterations Congress be instructed by the Convention to proceed without delay in putting the measure through.[2]

In their efforts to bring about division of the State, the supporters of the movement became divided into two groups. The more radical one, led by Davis, strove to accomplish their aim by convention procedure; the other was willing

[1] *Convention Journal*, 1868, p. 143.

[2] *Convention Journal*, 1868, First Session, pp. 51, 106.

to empower the Legislature to take such action as it should elect in bringing about the desired end, but opposed immediate steps beyond this. The latter constituted a very small minority of the Convention, and their efforts met with

CHART X. "CONGRESSIONAL PLAN," 1868
(*East Texas, Texas, South Texas*)

failure whenever plans in keeping with their purposes were presented.

Mr. Glenn introduced on January 22 the first ordinance designed to accomplish division in accordance with the method approved by the second group. It appeared as follows:

AN ORDINANCE

To provide for a division of the State of Texas

Section 1. *Be it ordained by the State of Texas in Convention assembled,* That, The Legislature shall be vested with power to give the consent of the State to the erection of a new State or States within the present limits of this State, and to pass all laws necessary to designate the boundaries of such new State or States, to enable the people of the same to organize governments.

The Legislature is also vested with power to settle the claims of such new State or States to a proper share of the school fund and the public domain.[1]

The ordinance was referred to the committee on division of the State, but the committee through its chairman, A. T. Monroe, reported with the recommendation that "it do not pass." Mr. Monroe, under the influence of the President of the Reconstruction Convention, Mr. Davis, opposed any measure for division of the State which would take the people of Texas into consideration.[2]

By this time, the division question had assumed very considerable importance. Complications arose in respect to the disposition of the common assets of the different States, in case they should be formed, and to the asumption of proper shares of the obligations. The Congressional plan of division had become the one of chief support, and this plan, though definite in demarcation left numerous details to the State to work out. One of these was that of the division of assets and liabilities. Mr. Degener, a member of the Committee on Division, offered the following preamble and resolution for the purpose of adjusting these differences before Congress might act on the matter:

[1] *Convention Journal,* 1868, First Session, p. 137; Archives, Secretary of State, no. 78.

[2] *Convention Journal,* First Session, p. 147.

Whereas, a bill for the division of Texas into three separate States is now pending in the Congress of the United States.

Be it resolved, First, That the public Domain of Texas, its public buildings, cash and bonds, and all the claims the State may have, are common property, belonging to the several states which may hereafter be formed.

Second, And that the outstanding liabilities are in like manner a common debt, for which all the States which may hereafter be formed are respectively responsible.

Mr. Monroe, chairman of the committee on Division of the State, reported the Degener resolution on June 23, with the recommendation of the committee that it pass.[1]

Mr. Degener also reported and recommended the adoption of a declaration from the committee on the division of the State for the erection of two new states out of the terriory of the State of Texas. The substance of this preamble and declaration is as follows:

Whereas, There is now pending in the Congress of the United States the following bill to provide for the erection of two additional States out of the territory of the State of Texas; and

Whereas, Experience has proved that the great size of the State is one of the greatest obstacles to the enforcement of law and the maintenance of order, and that the government of a State so large cannot be economically administered; and

Whereas, The welfare, happiness and prosperity of the people require a division of the State into at least three States; therefore

Be it declared that we, the people of Texas in Convention assembled do hereby declare that we concur in the plan proposed by the following bill, with the alterations in the lines and boundaries as hereinafter proposed.

House Resolution No. 1203, referred to elsewhere as the

[1] *Convention Journal*, 1868, First Session, pp. 142, 148.

Beaman bill, was included as an integral part of the declaration and this was supplemented by the recommendation of the committee that Congress make a few changes in the lines and boundaries near the mouth of the San Jacinto river.[1]

A minority of the committee led by G. T. Ruby, colored delegate from Galveston, dissented from the majority report and recommended that if there should be a division of Texas the Congressional lines reported in the Beaman bill be adopted by the Convention.

The movement for division was making very steady progress in spite of the strong leadership of A. J. Hamilton in opposition. The central portion of the State urged Hamilton not to cease his efforts, but the extreme sections, though not congenial in any respect, were seeking the same object and found no difficulty in laying down partisan differences on general principles and uniting on matters conducive to their mutual welfare. The South, East, and West had come to favor division. Just at this time, however, the movement was checked by the proposal of Governor Pease to sell to the United States the strip of land off the western part of the State. The Governor proposed that all land lying west of a line extending from the mouth of the Pecos river to the northwest corner of Hardeman county be disposed of to provide funds for a depleted treasury. In this proposal the Governor took the opportunity to publish to the people of the Convention and to the State his objection to the establishment of a plural number of states by declaring first, that Texas was not financially able to support three governments, and second, that it would be subversive of the best interests of the State in regaining its original status in the Union, since the Reconstruction Acts had provided for but one State. The territory, the sale of which he proposed,

[1] *Convention Journal*, 1868, First Session, p. 148.

was sparsely settled and was considered of very little value to Texas. It was thought by Governor Pease, however, that it would be prized highly by the United States government as an extension of its Indian reservations, with which it joined.[1]

On June 25, W. W. Mills of the city of El Paso proposed that the Convention sell to the United States that remote corner of the State with the distinct understanding that immediately after its surrender by the State of Texas it should be joined to the county of Donia Anna, New Mexico, which county had just petitioned Congress for a territorial government.[2]

It was asserted in the resolution that the County of El

[1] *Convention Journal*, First Session, pp. 151-156.

[2] The following resolution and committee report give in greater detail the plan and the approval of the western section: "Whereas, The people of the County of El Paso in the State of Texas and the County of Donia Anna, the Territory of New Mexico, have petitioned the Congress of the United States to give them a Territorial Government, and, whereas; owing to the Geographical position of the aforesaid County of El Paso it is inconvenient and unwise that it shou'd be longer a part of the State of Texas, and; whereas; in the opin'on of this convention it would be better both for the people of the State and for the people of the aforesaid counties, that such territory shou'd be formed, therefore: *Be it Resolved* by the people of the State of Texas in Convention assembled; that the political jurisdiction over the said County of El Paso and the right of the Public Domain therein is hereby relinquished to the United States of America provided, that the said United States shall form a territorial government of which the County of El Paso shall be a part."

The committee on Federal Relations through the chairman, A. J. Evans, reported on the resolution as follows: "Hon. E. J. Davis, President Reconstruction Convention—Sir: Your Committee to which was referred the Resolution of Mr. Mills, relinquishing the political jurisdiction and right of public domain over El Paso County to the United States have had the same under consideration and beg leave to report, that in the opinion of a majority of the Committee a separate Government is necessary for the wefare of the people of that distant County and believing that the State will sacrifice no material interest in granting, what is requested, we recommend that the resolution do pass."

Paso was so totally unlike the remaining part of Texas and so remote from the center of the State proper that it was inconvenient and wholly unwise for it to remain longer a part of the Commonwealth, and that immediate relinquishment should be effected. The committee on Federal Relations, to which the resolution was referred, reported with the recommendation that it pass.[1]

These measures served to develop a questioning attitude on the part of some of the supporters of division and even to convert others to a policy of resistance. With three proposals so widely different before them they experienced difficulty in deciding which served their interests best. It was apparent that a step resulting in cutting off El Paso County would seriously interfere with the position of the eastern boundary of that portion of western Texas remaining after the County was joined to a part of New Mexico.[2]

Neither of the proposals for the disposition of West Texas seemed to elicit much support. These deviations from the original plan, whether so designed or not, served to divide western sentiment and to weaken support of the original measure. Many hoped that a plan of division would be found, but they experienced difficulty in lending support to any measure lest haply another with greater promise be proposed.

In order to weaken further the forces of the supporters of division, A. J. Hamilton, the leader of the group in opposition to such procedure, offered a substitute measure for the "Congressional Plan" which provided for division into three parts as follows: "The Brazos River shall be the dividing line between East Texas and West Texas and a third State shall be formed north of the thirty-second parallel of latitude." The substitute was voted down, as the one

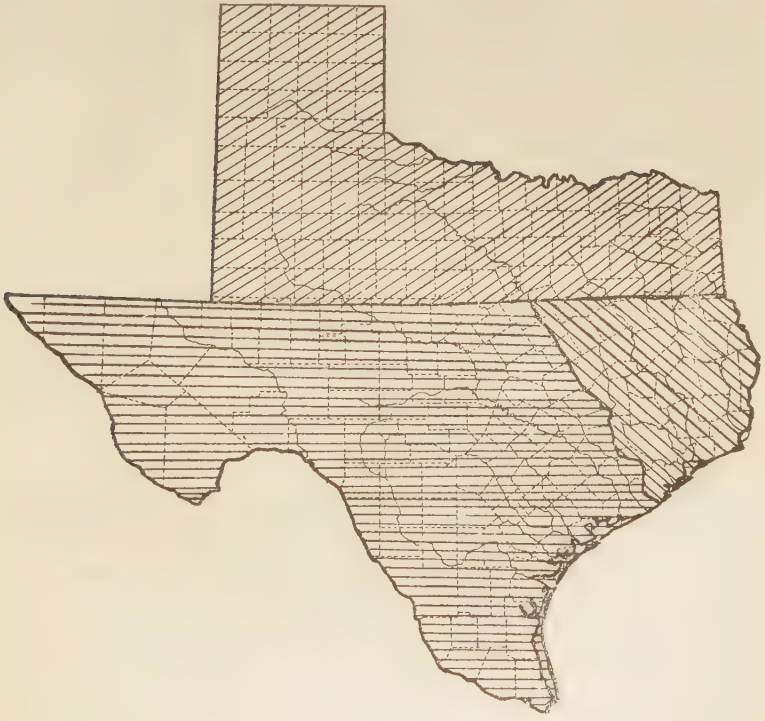
[1] Archives, Secretary of State, File No. 68.

[2] *Convention Journal*, First Session, pp. 12-16, 147, 148.

who proposed it had anticipated, but it served the double purpose of obstructing for the time the will of the majority and of injecting factors of complication which, it was hoped, would weaken materially the opposite forces.[1]

CHART XI. HAMILTON'S PLAN, 1868

(*North Texas, East Texas, West Texas*)



By this time, many of the delegates who had been somewhat indifferent to the question of division, but who had seen the Convention divided into factions which were wasting time and not accomplishing the purpose for which they

[1] *Convention Journal*, 1868, First Session, p. 148.

had come, became alarmed lest the effects of prolonging the struggle would result in a complete split in the Republican party and a discontented constituency. They, therefore, gave support to a resolution by Mr. Thomas on July 14, providing that no further consideration of the question would be in order until Congress should instruct the Convention. This resolution was adopted on July 16, by a vote of forty-seven to thirty-seven. Thus ended a struggle which had consumed much time and had engendered strife both in the Convention and throughout the State. The first session of the Convention adjourned after having been at work for three months.

Mr. Newcomb endeavored to re-open the question on August 29. M. C. Hamilton and C. Caldwell had been previously selected to ascertain the will of Congress in respect to division and to put forth such effort as might be deemed expedient to get the National body to take the initiative in the matter. These men had returned from Washington with the report that it was the desire of Congress that Texas, acting through the Convention, take the lead. Considering this sufficient ground for further consideration, Newcomb offered a resolution which provided for the consent of the people of Texas to the formation of a State out of the territory embraced within the following lines: Beginning in the mid-channel of the Pass of Caballo where it enters the Gulf of Mexico, thence up the middle of the main channel thereof and up Matagorda Bay to the mouth of the Colorado River, thence up the main channel of said river, with the meanders thereof to the thirty-second parallel of north latitude, thence due west on said parallel to the Rio Grande River, thence down the said river, with the meanders thereof to the Gulf of Mexico, to the place of beginning.[1]

The resolution laid over under the rules and was not

[1] Archives, Secretary of State, File No. 78.

allowed to arise for further consideration. Its adoption would have authorized the immediate adoption of a constitution to be submitted to Congress for its approval.

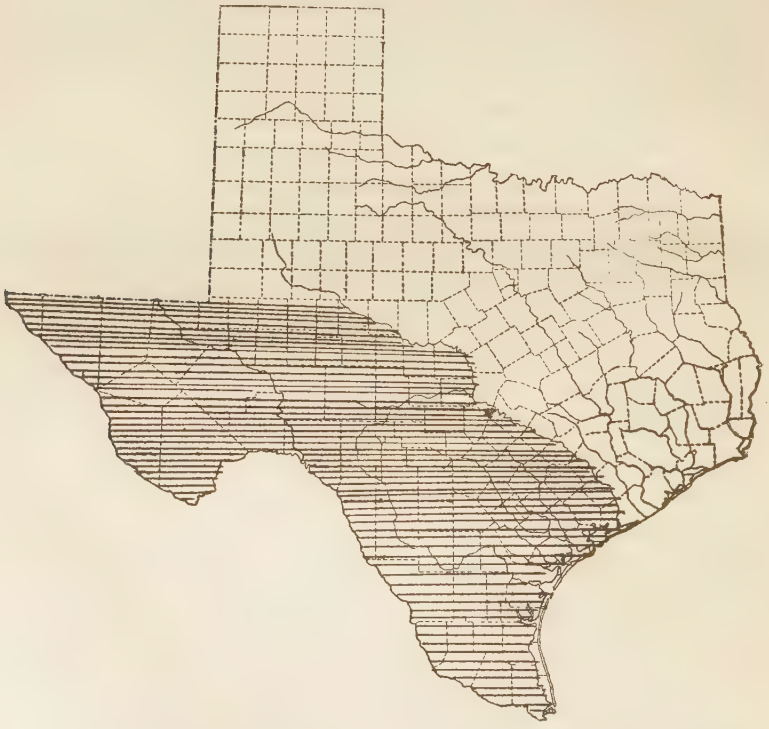
During the interval from the close of the first session to the beginning of the second, Congress took no action on the Beaman bill. The two representatives sent to Washington had endeavored to crystallize sentiment among the lawmakers at the National Capital, but were unable to secure any formal action. Congress unofficially informed Texas that no consideration of the question by that body need be expected until the matter had been initiated at home. Newspapers in Texas, however, continued to keep the question alive, and occasionally an address by one of the supporters of the movement would be brought to the attention of the public. Two questions that were constantly before the people of the State at this time were those pertaining to immigration and to the establishment of better communication by means of railways. The daily and weekly papers of the State were carrying articles in almost every issue pointing out the advantages of Texas, and cities were offering appeals to promoters of railway enterprises. It was thought by many throughout the State that a division into three separate states would enable the sections to bid for immigrants and railways better than it was possible for the State as a whole to do. Public sentiment of the day reflected this attitude.

It was declared by many exponents that since division was destined to come at no very distant day, it should be consummated at once by the Convention which should soon reassemble. This was done in order that railway lines could be constructed to the various capitals. If this were not done there would soon be established a few trunk lines into parts of the State which would not meet the needs to the best advantage of the several central cities which would

constitute the capitals. It was urged that the railway promoters would be slow to act until this question was settled.

With this action as its object a mass meeting was called to meet in the court house of Tyler December 4, 1868 representing the citizens of Smith county to take such action as

CHART XII. NEWCOMB'S PLAN OF DIVISION, 1868



might be deemed necessary. The purpose of the meeting having been stated and a committee appointed, the body adjourned to meet on the following day to act upon the report of the committee. Judge S. D. Woods, Chairman of the committee made the following report: "Your Committee after giving the subject of railroads and division, referred

to them yesterday due consideration as the short time since your adjournment would permit, beg leave to submit the following preamble and resolution for the further consideration and action of the meeting. Your committee would take occasion to say, in offering this report, that facts and arguments seem to accumulate upon their hands, the more these questions are investigated, and it has been their aim to shorten rather than to amplify this report:

Whereas, the State of Texas embraces the largest area of territory of any State in the Union, sufficing to make three States larger than New York; and

Whereas, The geographical position of her territory and her geological formations are such that commencing with her coast and reaching back toward her northern boundary, she embraces three great belts of country which cross the State at right angles, each of which excels in a distinct production; first, sugar on the coast, second, cotton in the interior, and third, grain in the north. The middle belt which grows the great staple cotton contains nearly all the valuable timber in the State and will in time cause the other two belts to become dependent upon it for timber; and

Whereas, The vast extent of territory of Texas, the variety of soils, climate production, and the habits and customs and institution of the country and conflict of interests in the widely different sections of the State have, as we believe, heretofore hindered and delayed the westward march of the sciences, the development of internal improvement, commerce, agriculture, and industrial pursuits, and the founding of institutions of learning; and

Whereas, The capital of our State is so far from its extremities that a burdensome taxation is necessary to bring the officers of government and legislative bodies together; and the supreme court of the State as now located will impose an unprecedented tax on litigants and attornies in traveling to and from the seat of government; and by reason of the distance of

the extremes from the center, the prompt and certain extension of laws are greatly hindered and delayed; and

Whereas, All experience has shown that the smaller and more compact state government of the Nation are the best, and carry out more completely the other grand object of the Republican form of government; and

Whereas, The people of the State of Texas, desire a division, and she is now in a suitable condition for division, without violent conflict of sections and capitals, being without any great trunk roads and canals tying her widely separated districts together, which will at some future day, when those are built, new ports are opened, large cities spring up, and capital becomes united prevent any division, as it now is with the State of New York; and

Whereas, The plan of division of the State of Texas, known as the " Congressional Plan " conforms more nearly to the boundary lines fixed by nature, than any other proposed and at the same time embodies the highest wisdom in giving sea-coast to each State as a base for offensive and defensive purposes, and for commercial and agricultural advantages; for the beginning part of internal improvements, which will necessarily open railroad communication to the capitals of each state, and take into consideration the variety of soils, climates, minerals, timber, and productions, embracing the three peculiar staples mentioned and thereby making each state self-sustaining and independent.

1. Therefore, Be it Resolved by the people of Smith county in mass assembled. That we respectfully submit to the Constitutional Convention about to reassemble at the City of Austin the propriety of an immediate division of Texas into three states, on such lines as hereinafter indicated.

2. Resolved, That after mature reflection, and looking solely to the interests of the people inhabiting the different sections of the State we would recommend as best calculated to subserve the interests of the WHOLE PEOPLE the plan of division known as the Congressional plan, making San Jacinto and the Trinity rivers the western boundary line of the Eastern State.

3. Resolved, That we regard the present division as well calculated to induce immigration, thereby encouraging works of internal improvement in our midst.

4. Resolved, That it is the sense of this meeting that the Convention should encourage by all means railroad enterprises . . . .

5. Resolved, That . . . it be left to the vote . . . of each state . . . to locate (its) capitol. . . .

6. Resolved, That we cannot too strongly urge upon our immediate delegates the importance and necessity of this measure.

7. Resolved, That . . . no time should be lost in making suitable divisions and locating her main lines of railroads.

8. . . . . .[1]

From this meeting and similar ones it seems clear that it was thought that a division of the State at some time would undoubtedly be made and that the particular time was the most logical. Strong effort was being made to induce railroad building, and it was known that with the unsettled state of affairs as to when division should be accomplished, the various companies would be slow to project lines into sections where a division of the State might alter materially the hope of profitable returns from their investments. The urge to division was the more insistent due to the prevalence of crime that was being committed in various parts of the State and to the apparent inability and unjustifiable methods employed by the military force in suppressing it. It was thought by many that with civil authority established and with the limitations on radius of operation that division would provide, property and life would be safe.[2]

The West, which had never been so greatly out of harmony with the National government as other parts of the

[1] Weekly Harrison *Flag*, December 24, 1868 (Taken from Tyler *Reporter*).

[2] Harrison *Flag*, January 7, 1868.

State, was already in condition to exercise the ballot and to establish a government which might hope for early readmission to normal relationship with the Union. The people of this section, therefore, clamored for division.

On December 7, 1868, the Convention reassembled to finish the work of reconstructing the State. It was apparent from the outset that the subject of division of the State would receive immediate attention. The Convention was divided in previous sessions over the *ab initio* question which was made more intense by a cleavage into much the same groups over dismembering the State. Extreme bitterness was strongly in evidence, even before organization was completed. One faction, led by E. J. Davis, favored division with all but unanimity; the other, under the leadership of A. J. Hamilton, a conservative Republican, though shifting in the alignments of its forces somewhat with the various lines of separation proposed, was in the main set in its determination never to allow the State of Texas to be riven by those who, though decidedly in the majority in the Convention, were thought to be supported by a comparatively small minority of the citizenship of the State. It is significant that in this session sectional factors exercised greater weght than in former sessions. There were both radicals and conservatives among the supporters of each movement.

It was the contention of East Texas in the beginning of this session that this section was the wealthiest of the divisions proposed for separate statehood and that because of this it was being forced to bear an undue share of the burdens of state taxation. The other sections of the State suffered from inefficient governments, from expensive administration of affairs connected with all financial improvment undertaken, and from extreme sparsity of population. As the East viewed the matter, it was unjust for it to pay for the development of the other portions of the State. In respect

to the political aspect, it was also the seat of the most conservative group in the State, and could hardly hope to be able to carry its policies and obtain political positions of power in the State over the opposition of Negroes and the foreign element.

The first step taken by the Convention with respect to division was on December 10, when Mr. Newcomb offered a resolution designed to rescind the action of July 16 of the previous session, at which Mr. Thomas had put through the Convention a resolution or rule closing discussion of the division question until Congress had authorized such procedure. Mr. Newcomb based his resolution, as he had done on August 29, of the first session, on the fact that Messrs. Caldwell and Hamilton, who were sent as delegates to Washington to ascertain the wish of Congress, had upon returning reported that it was the desire of a majority of that body that the Convention take the initiative in the matter of division of the State. The resolution was laid over under the rules.[1]

On December 11, the President of the Convention announced that the order of the day was to take up Mr. Newcomb's resolution repealing Mr. Thomas' resolution of the previous session which rendered out of order any further discussion of the question relating to division of the State until Congress should authorize such action. Mr. Flanagan moved the previous question upon the passage of the resolution. At this juncture there began a play of parliamentary technique which continued throughout the entire session. Those opposed to division were decidedly in the minority, but rules of parliamentary procedure enabled them to prevent the will of the majority of the Convention from prevailing. Immediately after Mr. Flanagan's motion, Mr.

[1] *Convention Journal*, Second Session, p. 13; Archives, Secretary of State, File No. 78.

Hamilton of Travis moved a call of the House, which call was sustained, it being found that sixteen delegates were absent. Mr. Newcomb moved that the Convention adjourn *sine die,* upon which the Yeas and Nays were demanded, and found to be thirteen to fifty; so the Convention refused to adjourn. Mr. Thomas then moved to adjourn until ten o'clock of the following day, upon which the Yeas and Nays were demanded, and found to be twelve to forty-nine against adjournment; so the Convention refused to adjourn. Mr. McCormick moved to adjourn until three o'clock of the day, upon which the Yeas and Nays were demanded, and found to be twenty-one to thirty-eight; so they refused to adjourn. Mr. Patten moved the Convention take a recess until the fourth day of January following, upon which the Yeas and Nays were demanded and found to be two to sixty; so they refused to take a recess. Mr. Butler moved that the call of the house be suspended, which motion carried. Mr. Hamilton of Travis moved a call of the House, which call was sustained, there being sixteen absent. Mr. Flanagan moved that the call be suspended, which motion carried. Mr. Hamilton again moved a call of the House, which call was sustained, there being sixteen absent. Mr. Flanagan made the point of order that Mr. Hamilton was out of order, but the President declared the point of order in the negative. Mr. Flanagan appealed from the decision of the chair, and the Yeas and Nays were demanded, whereupon the chair was sustained by a vote of forty-two to nineteen. Mr. Thomas moved that the Convention adjourn till ten o'clock of the following day. The motion was lost. Mr. Hamilton of Travis moved that the Convention adjourn till tomorrow at ten o'clock, upon which the Yeas and Nays were demanded, and found to be twenty-nine to thirty-five; so the Convention refused to adjourn. Mr. Hamilton of Travis moved to adjourn till ten o'clock of the following day, upon

which the Yeas and Nays were demanded, the result being thirty-one to thirty-three. Mr. Thomas moved to adjourn till the following day at ten o'clock, upon which the Yeas and Nays were demanded and the result found to be thirty-two to thirty-one; so the convention adjourned.[1]

Thus closed the first day's work in the Convention in respect to the division question. It proved to be the first of a series of such procedures which continued throughout the three months of the Convention sitting. While the members composing the minority were unable to carry through any constructive measures, they were able to block completely any effort which the majority of the Convention might propose. Their action in doing so whenever the question of division of the State arose engendered much bitterness on the part of those who were committed to its consummation. The strife rendered unavailing any real effort to accomplish the task for which they were assembled.

With few exceptions—notably the *San Antonio Express* —those newspapers which supported the movement maintained an attitude of moderation in their advocacy of division, but as lines became more closely drawn, they launched a vigorous and often vindictive campaign in its behalf. A few were apparently prompted by the selfish hope that certain cities in which they were interested might be selected as the capitals in the event that division should be brought about. Throughout the State the press began to give support to the movement or to register a vigorous protest against it. The opposition, aside from sentimental reasons, was chiefly economic. The *Dallas Herald* commented: "We venture to say that the sentiment, when they shall take the matter fully in consideration will be opposed to division at the present time. Under the heavy burdens of taxation, it is an onerous duty for them to defray the expense of the

[1] *Convention Journal*, Second Session, pp. 23-28.

State at present. The expense of a new state would be as great as the one now organized, and, even though only two were formed, one or the other would have less than half the people." The *Waco Herald* expresses itself in opposition by saying, "We think of the subject as we have always done since it came up for discussion by the Press and the Austin convention, that it is a suicidal proceeding." [1]

The Tri-Weekly State *Gazette* in a vein of commingled sarcasm and deliberate reflection in speaking of the efforts of Newcomb, Evans, Davis and other proponents of division says, "Provision must be made to satisfy the mounting ambitions of certain men and to increase the material interests and conveniences of certain localities. To do this, the welfare of the whole people is to be ignored, and undelegated and unlawful power to be exercised. . . . This attempt to break through the rules of the convention to effect an illegal object against the wishes of nine-tenths of the people of Texas is an outrage of the deepest hue. . . ." [2]

The Newcomb resolution to suspend was taken up December 12, and after much wrangling over the question of the call of the House, the Convention adjourned.

On December 14, the President announced that the business in order was the resolution of Mr. Newcomb to repeal the resolution of Mr. Thomas of the first session of the Convention respecting the division of Texas. The entire day was spent in confusion and ended with no visible results other than a test of strength of the opposing forces. The minority succeeded in blocking completely the will of the majority.[3]

The following summary shows in tabular form the tactics of the oposition forces on December 15:

[1] *Texas Republican*, December 18, 1868.

[2] *Tri-Weekly State Gazette*, December 14, 1868.

[3] *Convention Journal*, Second Session, pp. 41-45.

PROCEEDINGS

(December 15, 1868)

Delegate	Motion	Vote	Results
1. Thomas	Call of House	....	Sustained, 14 Absent
2. Caldwell	To Adjourn	20:42	Refused to Adjourn
3. Lippard	Suspend Call	25:35	Refused to Suspend
4. Hamilton of T.	To Adjourn	23:39	Refused to Adjourn
5. Hamilton of T.	To Adjourn	23:41	Refused to Adjourn
6. Hamilton of T.	To Adjourn	25:37	Refused to Adjourn
7. Slaughter	Recess	6:58	Refused to Recess
8. Hamilton of T.	To Adjourn	24:39	Refused to Adjourn
9. Armstrong of L.	To Adjourn	28:38	Refused to Adjourn
10. Goddin	To Adjourn	20:36	Refused to Adjourn
11. Horne	To Adjourn	19:40	Refused to Adjourn
12. Horne	To Adjourn	26:34	Refused to Adjourn
13. Hamilton of T.	To Adjourn	25:36	Refused to Adjourn
14. Bryant	To Adjourn	22:36	Refused to Adjourn
15. Flanagan	Suspend Call	32:29	Call Suspended
16. Sumner	Call of House	....	Call Sustained
17. Burnet	To Adjourn	22:36	Refused to Adjourn
18. Horne	To Adjourn	10:48	Refused to Adjourn
19. Patten	To Recess	3:53	Refused to Recess
20. Sumner	To Adjourn	7:47	Refused to Adjourn
21. Carter	Suspend Call	27:29	Refused to Suspend
22. Hamilton of T.	To Adjourn	20:37	Refused to Adjourn
23. Armstrong	To Recess	8:47	Refused to Recess
24. Flanagan	To Adjourn	10:47	Refused to Adjourn
25. Hamilton	To Adjourn	9:47	Refused to Adjourn
26. Hamilton of T.	To Adjourn	9:45	Refused to Adjourn
27. Hamilton of T.	To Adjourn	10:44	Refused to Adjourn
28. Bryan	Suspend Call	36:32	Call Suspended
29. Smith	Previous Question	....	
30. Thomas	Call of House	....	Sustained, 8 Absent
31. Armstrong	To Adjourn	25:36	Refused to Adjourn
32. Patten	Suspend Call	34:24	Call Suspended
33. Hamilton	Call of House	....	Sustained, 9 Absent
34. Hamilton	To Adjourn	20:36	Refused to Adjourn
35. Degener	To Adjourn	39:17	Adjourned

December 15, like December 14, accomplished nothing in respect to a settlement of the question of division. The day was taken up wholly in obstructive tactics set in motion by the minority group.[1]

The cause of the divisionists, viewed in the light of the

[1] *Convention Journal*, Second Session, pp. 51-65.

proceedings of January 16, was anything but hopeful. The failure to carry to completion their program, however, served only to strengthen their determination and to intensify their bitterness toward the opposing minority. On January 14, the committee on Division of the State through the Chairman, Mr. Monroe, reported favorably a petition of the citizens of the counties of Webb, Starr, and Goliad requesting that a State be erected west of the Colorado river. The committee reported with the recommendation that the prayers of the signers be granted. In keeping with the resolution and with the favorable report of the committee, Mr. Wright introduced the following declaration two days later:

> Whereas, the State of Texas was admitted into the Government of the United States under the express provision that there might be four additional states erected out of the territory of Texas; and
>
> Whereas, a very respectable portion of the people of the State believe the time has come when a division is absolutely necessary to good government and the interest of the people; therefore be it
>
> Resolved, by this Convention, That all that part of Texas west of the Colorado river and south of a straight line from Henderson county to the mouth of the Pecos river, he organized into one State. And that all that part of Texas lying north of Latitude 32° and east of the ——— be organized into another State.
>
> *Provided*, That authority of the qualified voters ratifying this act of the Convention, at the election for ratification or rejection of the Convention be framed by this convention.[1]

The proceedings of January 14, and following days convinced the majority that their efforts were powerless unless some means of controlling the minority could be devised. Accordingly, Mr. McCormick introduced a resolution de-

[1] *Convention Journal*, Second Session, p. 72.

signed to limit the possibility on the part of the anti-divisionists of obstructing the will of the majority by means of the Call of the House privilege, but after much confusion the measure failed to pass. A. J. Hamilton and those delegates who accepted his leadership in the fight against division stood solidly against all attempts to lessen their power by a modification of rules.

When the time arrived for further consideration of the Newcomb resolution, the declaration of the President that such was the business of the hour set in motion again the obstructive tactics. For three days the Convention sat answering the roll-call on motions to adjourn, to recess, to a call of the House and to suspend the call. By Saturday the feeling of the delegates had reached a point of feverish heat.[1]

On Saturday evening a meeting composed of some twenty delegates of those in favor of division was held at the Capitol. Inflammatory speeches were made by E. J. Davis, Chairman of the Convention, Judge Lemuel D. Evans of Titus, Degener and Flanagan.

Mr. Degener and Mr. Davis both announced that the delegates to the Convention from the counties west of the Colorado river were forming a constitution which they expected to present to Congress. Degener declared that reconstruction in Texas, as it was then being carried out, was a failure and that he and the other supporters of division proposed to try another way. Evans and Flanagan did not announce that they were participating in a like enterprise, but they gave full support to the delegates from the West. They all agreed to one thing, that being that the Convention would not proceed to the formation of a constitution until the division question had been agreed to. It was further agreed that no plan should be submitted to vote of the people, but that whatever action the Convention might take, matters

[1] *Convention Journal*, Second Session, pp. 72, ——.

would be rushed through that body and made final upon the approval of Congress.[1]

It is unwarranted to assume that the whole or even a majority of the delegates from the western part of the State were supporting Mr. Davis and Mr. Degener in their action. Of the twenty delegates from the West, only seven, Davis, Degener, Hamilton of Bastrop, Jordon, Kuechler, Newcomb, and Varnell were unequivocally committed to the movement. It was these who so unremittingly toiled to frame a constitution for "We the people of West Texas." The remaining thirteen members, Bellinger, Foster, A. J. Hamilton, Hunt, Johnson of Calhoun, Lindsay, Machey, Mills, Phillips of Wharton, Posey, Schulze, Vaughan, and Williams, included the most uncompromising opposers to such a plan of procedure in the Convention.

The plan approved by this group took no cognizance of the people affected in respect to boundary lines. Their wish to be separated from the other part of the State, and their willingness to support by taxation the governments established gave to the leaders no concern. In many sections the action of these men, who were sent as delegates of the State to form a constitution that would restore the State to its former place, but who, after assembling, set themselves assiduously to the task of creating offices to which they aspired, met with unmistakable disfavor. It was perfectly clear that their purpose was wholly selfish and that their action was supported by a small minority of the people of the State. The reaction of the press was clearly with the minority in the Convention. "Every newspaper in the State except the *San Antonio Express,* was either denouncing the measure or at least refusing its support, and the citizens of San Antonio, the proposed capital for "West

[1] *Austin Republican,* December 2, 1868.

Texas," and New Braunfels, the second largest town in the district, declared against it in mass-meeting." [1]

Seeing that the opposition was determined in its course and that no progress was being made in the direction of reconstructing the State, Mr. Goddin offered a resolution on December 21, designed to bring about a working understanding of the delegates. The resolution appeared in the following form:

Whereas, a division of the State seems to be the principal object of a majority of this body, and the present obstacle in the way of proceeding to adopt a constitution, therefore

Be it resolved, That the convention now declare this subject open to discussion with a hope to harmonize conflicting views and opinions.

No action was taken to dispose of this resolution, whereupon Mr. Caldwell offered the following:

Whereas, An effort is being made to repeal a rule adopted by this convention on the —— (16th.) day of —— (July) 1868, known as the Thomas resolution, which precluded any action on the subject of division of the State without the previous assent of Congress, now therefore

Be it declared by the delegates of the people of the State of Texas in Convention assembled, That should said rule or resolution be rescinded, all plans of dividing the State of Texas shall be coupled with a proposition to submit the proposed division to a vote of the qualified voters of the State at large, as an independent measure, at the same time that the constitution shall be submitted for ratification or rejection.[2]

[1] Ramsdell, *Reconstruction in Texas*, ch. ix, p. 250; *Texas Republican*, December 18, 1868; *Houston Telegraph*, January 14, 1869; *San Antonio Daily Herald*, January 14, 1869; *Austin Republican*, January 18, 1869; *New Braunfels Zeitung*, January 19, 1869.

[2] *Convention Journal*, Second Session, p. 96.

Mr. Patten moved the rejection of the resolution, which motion carried by a vote of thirty-three to thirty-two, the President of the Convention voting in the affirmative. This vote, which would have been a tie without that of the President, indicates that although a large majority of the delegates were in favor of division, as is indicated by votes previously cast, many, nevertheless, were in favor of action by general consent of the people of the State. The determined stand by Davis, Degener and others against submitting the question to the people of the State served greatly to weaken the cause of division. It became evident to the people that they were not to be trusted in passing upon the affairs which so vitally concerned them.

Upon the announcement of the President of the Convention that the business in order was upon the resolution of Mr. Newcomb, the usual procedure of A. J. Hamilton and his supporters was engaged in until the close of the day, and was resumed on December 22 and continued through that and the following days, at which time the Convention recessed for the holidays to resume its labors on December 29.

On December 29, the President presented a petition from the citizens of West Texas praying a division of the State, which petition was referred to the Committee on Division of the State. He then announced that the business in order was upon Mr. Newcomb's resolution. Mr. Flanagan moved the previous question and the usual Call of the House was moved, but was not sustained.

The President by this time had become so determined that division must be effected regardless of the will of the people, that he arbitrarily laid aside parliamentary rules and assumed a dogmatic attitude in carrying out his will. The Convention ordered the previous question by a vote of thirty-eight to twenty-eight, and the resolution of Mr. New-

comb was disposed of by a vote of thirty-seven to twenty-eight. Mr. Lindsey made the point of order that a rule of the Convention could not be repealed except by a two-thirds vote, but the President decided against the point of order. Thus the fight against reconsideration of the division question which had occupied most of the time of the Convention since it re-convened was brought to a close. The ruling of the President was clearly biased by his prejudice in favor of the establishment of new states, and his high-handed action brought down a storm of protest throughout the State.

It is a mistake to assume that since a clear majority of the delegates would have found some plan of division acceptable, that their sections of the State shared in such view. The delegates were selected with no instruction in respect to the question of dividing the State, and public sentiment was at this time outstandingly in condemnation of their action in this course. The spoils which would have eventually accrued from a successful effort in creating new states appealed strongly to them, however, and this seemed to be the chief impelling force.

The question was now open to such action as the Convention might elect to take, and although it was moved by Mr. Evans on January 6 that the Convention proceed to the work for which it was called, and although the motion carried by a two-thirds vote, the first work of the new year was the reception of petitions from various portions of the State asking for division and a general discussion of the subject. On January 2 Davis spoke all morning on division. He went so far as to declare that he, with a few others, had formed a constituion for West Texas and that it would soon be presented. To show further that the question was clearly the dominant issue, Judge Evans of Titus spoke on January 6 all morning on division, this being the same day

on which it was moved that the Convention proceed to the work for which it was called.[1]

Judge Evans was a Conservative from East Texas, and was one of the ablest men of the Convention. He was a man of broad education and varied experience and was one of the most forceful speakers of the day. His speech of January 6, a résumé of former arguments, was later printed in pamphlet and widely distributed throughout the State. A portion of the printed speech as taken from a copy on file in the "Texas Collection" of the University of Texas follows:

I am convinced that no one government can control the turbulent spirits evoked by the war and give adequate protection to life and property over a territory so extensive and population so diversified as is that of Texas. I therefore favor the formation of new states as the only solution of the difficulties attending reconstruction here, and desire that while making a constitution for the State of Texas proper, the Convention shall at the same time give its consent to the erection of two, or if you please, three new states. To place the political power under the control of the numerical majority, by what is erroneously termed universal suffrage would subject the people of West Texas to the government of east and middle Texas which would substantially be to place them under a government whose interests and pursuits are wholly foreign to theirs, and to restrict the suffrage to a basis so narrow as to secure the safety of western Texas, would in effect subject the central and eastern sections to a government foreign to their peoples. It is impossible to devise one State government for Texas that will secure to the people of the respective sections the control of their municipal affairs without which liberty cannot be maintained. By any practical route of travel it is more than a thousand miles from the settlements in eastern Texas to the

[1] Harrison *Flag*, January 14, 1869; *Convention Journal*, Second Session, p. 112.

Rio Grande, and more than eight hundred miles from the settlements on the Red river to the southern extremity. It is impossible that people being so remote will not differ in natural characteristics, even had they a common origin, as they have not. We see before us that the average man of the east and the average man of west Texas are as dissimilar as the average citizen of any two states in the American Union.

After reviewing the terms under which Texas entered the Union in 1845, Mr. Evans asserted that it was clearly the intention of certain portions of the State to carry out the provision of section three of the joint resolution either immediately or at most within a few years. "You," said he, "who are before me and acquainted with the annexation of Texas know perfectly well that the Southwest was expected to form a state as soon as the population justified. You know equally well that the country east of the Trinity had the same right, and that Mr. Van Zandt, who negotiated the treaty with Calhoun, was nominated on the policy of making that country a separate state as early as 1847 and had he not died during the canvass, it would inevitably have been done, as the desire for it was universal in every party." "It seems," according to the speaker, "to be admitted by all that Texas should be divided into states, but it is claimed that this is not the time. The continuance of the accumulating millions in Texas under one State government must strike every man who reflects as destructive of liberty." After a strong defense of East Texas and a denunciation of Governor Pease and Mr. Reynolds, the speaker declared that "if the Convention did not divide the State, Congress ought to force it to do so; that in this way alone could the people of Texas have quiet restored."

Though the speech of Mr. Evans contained little that was not already shop-worn by way of argument, it had the effect of strengthening the subconscious assumption that at some

time if not now, Texas would be dismembered because of mere physical proportions, if for no other reasons. The press, though unyielding in its opposition to division, is seen emphasizing the impropriety of division "at the present time" rather than division *per se*.

The sudden turn in affairs at the Convention took effect in various sections, resulting in mass meetings which registered the will of those participating in respect to division. A large meeting of this sort was held January 11, pursuant to an adjourned meeting called to consider the question of division in the city of San Antonio January 7. Although the San Antonio papers, only one of which was in favor of division, did not agree in their report of the proceedings and the reaction of the citizens assembled, it is clear that a very large majority of those present were strongly opposed to the matter, although San Antonio would in all probability have been the capital of one of the new states.[1]

Mr. Newcomb, ever ready to promote the interests of the divisionists wherever found scattered throughout the West, introduced two petitions on January 12, from the citizens of that section praying the passage of the declaration favoring the division of the State. The first was from the counties of Kendall and Karnes, praying the passage of the declaration favoring division of the State; the other was from Bexar and Comal counties asking for a similar action.

Much of the agitation for the formation of other states within the territorial limits of Texas centered around the reports of lawlessness in the various sections. The committee on Conditions of the State was constantly receiving reports of violations of law that were being committed. These reports were seized upon by the advocates of division to show the need of smaller state organization. Not only

[1] *San Antonio Herald*, January 12, 1869; *San Antonio Express*, January 12, 1869.

were they spread throughout the State and used in the Convention for the purpose of supporting this contention, but they were being systematically spread throughout the Nation and to Europe. Texas was looked upon by the people ignorant of its true condition as a land of barbarians. No other State in the Union ranked so low in the estimation of those abroad. Even the writers of England, when they chose to discuss the rather favorite subject of American barbarism, referred to Texas and its condition as facts not admitting of argument. Texas, to the foreigner, meant a land of outlaws and desperadoes, the hot-bed of crime and the center from which radiated all that makes for discord and discontent. The result of this mistaken idea was that Texas was considered unfit for self-government.[1]

The rank of Texas in respect to crime was in reality not an enviable one. Perhaps no other state ranked so high. Aside from this, however, Texas was probably better prepared than any other State of the Confederacy for the duties and obligations of its former place in the Union.

As considered by President Davis, the only solution of the vexing questions was division of the State. He, therefore, offered a substitute for the measure offered by the Committee of thirteen, selected to recommend relief measures, and by one unjustifiable and unwarranted stroke of tyrannical rule succeeded on January 16, in passing the measure to engrossment by a vote of thirty-eight to thirty-three. The substitute declared it to be the sense of the Convention that that body was too large and should be divided.

The President was condemned very severely throughout the State for his high-handed measures. The counties of Bexar and Comal, which had been reputed to be highly in favor of division, repudiated in mass-meeting their action

[1] *Convention Journal*, Second Session, p. 120; *Tri-Weekly Gazette*, January 15, 1869.

previously taken, and declared themselves opposed to such policies, although these counties would logically have stood first among the sections of the State in respect to desirability for location of the capital of West Texas. The *Neu Braunfels Zeitung* of January 23, declared the petition which had been sent by the people of the county did not speak for either the intelligence or the tax-paying proprietors of the county, and that their action in seeking to impress upon the Convention that they represented a majority of the people was entirely false. In the opinion of this, one of the most important organs of the German people, not one-tenth of the people of the country favored division. It criticized scathingly the action of Degener and Seimering.[1]

The Convention, however, proceeded to push the matter with every action that would promote the interests of the few leaders who held the power. Mr. Smith introduced a resolution on January 22, providing for the appointment of a representative from each of the judicial districts of the State, whose duty it should be to determine the most feasible boundaries of the State. It is needless to say that such a resolution had but little chance of passing, since those who were directing affairs were determined that the people of the State should under no condition have a voice in the matter. The resolution was laid over under the rules and was never brought before the Convention.

The Convention now proceeded to select delegates to be sent to Washington to "represent" the people of Texas. It was decided that two delegates should be sent from each section of the State in which a new state was proposed, and two should be sent from the State at large. Davis and Flanagan were selected to represent the State at large and Morgan Hamilton, Varnell, Whitmore, and Burnett were

[1] *New Braunfels Zeitung*, January 22, 1869; *Tri-Weekly Gazette*, January 22, 24, 1869.

to represent the districts designated for states. As a matter of fact, no one was represented except divisionists from the two sections. The State had no representatives in reality.

The next step taken by Mr. Davis was to write a letter to General Grant notifying him of the action of the Convention and setting forth the reasons why, in his opinion, division was necessary at the time. His letter, written January 28, 1869, from the Hall of the Convention, is, in part, as follows:

General, A resolution has been passed by this Reconstruction Convention advising the division of the State. Measures have been taken to bring the matter properly before Congress and the authorities at Washington by the appointment of six members to proceed to Washington.

That the division of the State is of vital importance to us will be apparent when you consider the great extent of territory embraced within our limits, and the delegates of the people in this Convention deem the present disorganization the most convenient time for a reconstruction into separate states. Always since annexation, it has been merely a question of time when this vast state would be divided into States of more convenient size.

The principal opposition to this measure, now encountered, comes from the people of Austin (for obvious reasons) and a part of the (lately) rebel press of the state. The Governor and other heads of departments of the provisional government of the State, as it happens to be, were taken from among the citizens of Austin, who are interested directly in keeping the present condition of affairs intact. The Austin government have now their emissaries in Washington, and are sending others there with the purpose of forestalling public opinion on the subject. Their emissaries are now reporting here that you are averse to any division of the State, and this statement, though probably not authorized by you, is used here to prevent a fair expression of opinion on the part of the members of the Con-

vention who very naturally do not wish to place themselves in antagonism to the views of the President-elect on this part of the policy of reconstruction.

We do not ask any expression of opinion from you as to the merits of our plan, but only that you will keep your mind free to give us an impartial hearing. I think I speak the sentiments of nine-tenths of the loyal people of the State and of those citizens who abandoned property and family to seek the lines of the United States forces and array themselves on the side of the Union, when I ask your favorable consideration of this matter. We earnestly believe that this measure will finally dispense and demoralize the disloyal element within this State and give us, under separate state governments, the rest, peace, and prosperity we have for so many years struggled to secure.[1]

The letter was transmitted upon receipt by General Grant to the Secretary of War with the request that it be forwarded to the committee on Reconstruction for its information.

There was a strong feeling throughout the State that gross misrepresentation of facts in Texas was being made and spread broadcast by Davis and his friends, and that unless concerted action could be taken by the various interests to offset these movements, much permanent injury would be done.

One of the first steps in this direction was taken by the Federal Grand Jurors of the western division of the State. It is clearly evident from the statements made by this body and recorded herewith that President Davis' letter, in so far as it attempted to set forth conditions in the State in respect to crime, was altogether false. The following resolution of this body sets forth clearly their views:

Whereas, We the grand jury of the District of the United

[1] *Executive Documents*, Third Session, 40th Congress, no. 97, pp. 3-4.

States for the Western District of Texas, loyal citizens of the United States and registered voters of the State of Texas, having finished the business brought before us at the present (January, 1869) term of said court, and being ready to adjourn *sine die,* having had our attention called to the action and conduct of the Constitutional Convention of the State, now in session in this city . . . and

Whereas, the said Convention after a session and adjourned session of over one hundred days, at an expense to the people of the State of over one hundred fifty thousand dollars, has not yet completed the work for which it was created, but by the action of a small majority of its members, has refused and still refuses, in disregard and violation of the spirit and intent of the laws under which it professes to act, to frame and submit to the loyal citizens a constitution for ratification or rejection, that are now, and have been for some time, engaged in general legislation and in illegal, revolutionary, and unauthorized schemes for the dismemberment of our State, contrary to the wishes and desires of a large majority of the loyal citizens and registered voters of Texas, as we believe; which dismemberment they propose to accomplish in a manner totally at variance with the mode pointed out by the Constitution and laws of the United States, and

Whereas, the said Convention, or a majority of the members thereof present, since its assemblage, have shown a total disregard for the wishes and feelings of their constituents upon the question of the division of the State, and assert that they will carry out their plan without referring it back to the legal voters of Texas for ratification, or rejection, and have or are about to send a delegation from their own body to Washington city to urge upon the Congress of the United States to pass laws endorsing their action in dividing and dismembering Texas or authorizing them to make such division and dismemberment, and

Whereas, The said Convention, or a majority thereof, have shown by their arrogant and arbitrary action, toward a minority of its members, and by their disregard for the ordinary rules of parliamentary law, that self-aggrandizement and political power

are the objects at which they aim, and not the good of the people; and

Whereas, in the present disorganized situation of our State, without any representatives in either the Senate or the House of Representatives and without a Governor authorized by a proper exercise of the veto power to restrain the Said Convention, in its unauthorized and revolutionary course, it is to be feared that the United States, not being conversant with the actual feeling existing among all classes of men with regard to division, at the present time, of the State of Texas, may regard and look upon the convention as being a fair representation of the people of Texas as to division, when, in truth, the said convention was elected without reference to the question of division; and may without vigorous protest on the part of the people, under such impression, ratify and endorse the division plan of the Convention, to the lasting injury of the most vital interests of the people; therefore

Resolved, 1. That we the Grand Jurors of the United States, summoned from all parts of the said Western District of Texas, holding its session at Austin, and consisting of more than eighty counties of Texas, feeling it to be as much our solemn and bounden duty as loyal citizens of the United States and of the State of Texas, to resist and lend our aid to prevent the dismemberment of the State of Texas at this time, by an unauthorized body of men, as it was under very similar circumstances to resent the dismemberment of the United States by the secession of Texas, in 1861; and as we did then individually resist and attempt to prevent such secession, so we do now most earnestly, sincerely, and respectfully ask the congress of the United States in the name of the loyal citizens of the counties in which we reside, the only power to whom we can apply to protect us, and the whole people of the State from the wild and revolutionary acts of the Convention, and to refuse to endorse and ratify any action it may take, looking toward the dismemberment of Texas, without at any rate, providing that its action shall

not be final, until ratified by a majority of the registered voters of the whole State.[1]

The above resolution and preamble was signed by fourteen of the fifteen members composing it. It carried four other clauses in which all other bodies in the State, and in particular the grand jurors of the districts holding session at Tyler, Galveston and Brownsville were requested to take similar action.

By this time, the Convention had consumed most of the time allotted to it. It succeeded during the week following the foregoing events in rounding out a few worthwhile provisions of the constitution, and then brought its labors to a close on February 8, amid the greatest confusion that had ever marked such a deliberative assembly in Texas. Each faction had been worked up to the highest pitch for weeks, and in the closing scenes endeavored to register a final blow at its antagonist. The results were of such nature and magnitude that General Canby was compelled to bring the Convention to a close at the point of the bayonet.

With the Convention closed, Texas was still in great unrest over questions which should have been solved. A constitution had been formed, but it was clearly not the work of the people of the State. It had been made by many who had as their supreme interest and controlling purpose the promotion of their own welfare. A large majority of the Convention never fairly represented the people of Texas or any part of it. With the exception of some ten or eleven Democrats and conservative members, the Convention was composed of so-called Republicans, or radicals, entertaining a great variety of opinions, and influenced by as great a diversity of motives and objects in view of the future. In the first place, they were divided into two groups very nearly

[1] *Austin Tri-Weekly Republican*, January 27, 1869.

equal over the doctrine of *ab initio*. Then came the question of division of the State, and most of those who favored division seemed determined not to consume time in writing a constitution for the State as a whole, contending that such a document would not serve the best interest of the smaller states after a division had been effected. With this group, it was division or nothing. A third group was desirous of continuing present conditions, and was ready to disgrace the State abroad by making it appear that the people were too violent, disorderly and disloyal to be reconstructed on any basis.

After the divisionists had succeeded in appointing six of their number to go to Washington to represent their views at an expense of $6,000 to the State, a majority of the Convention proceeded to complete a constitution for the whole of the State. Not liking the provision relating to suffrage which was finally adopted, the *ab initio* and division factions set themselves to the task of doing their utmost to disrupt the Convention and to interfere with business by leaving the Convention Hall when they were most urgently needed.

The President of the Convention, from the beginning to the ignoble end, was never anything but a prejudiced partisan. His ruling was sometimes right and sometimes wrong, but it always had his personal interest in view.[1]

[1] *Tri-Weekly Gazette*, February 8, 1869.

CHAPTER VI

Efforts to Enlist Congress

The Commission appointed to represent the Convention at Washington proceeded at once to carry out its work. The majority of the delegates sought by all means at their command to convince Congressmen of the importance and necessity of immediate action in the matter of dismembering the State. They contended (1) that Texas was too large to admit of an efficient system of government, (2) that the people were divided into three natural divisions, whose characteristics and interests were distinct, (3) that fully ninety per cent of the loyal citizens of the State desired separation, (4) that such a plan would enable the military forces stationed in the State for the purpose of restraining the lawless element to carry out effectively their work.

After nearly one month's work of canvass among the Congressmen, and despite the fact that probably not twenty men could be found in that body to give encouragement to their scheme, they presented a memorial on March 11, 1869 setting forth in full their mission. A portion of the document follows:

To the Senate and House of Representatives of the United States

Your memorialists were, by the Reconstruction Convention of the State of Texas, elected "commissioners to represent to the Congress of the United States the condition of the State and the wants of the loyal people." In accordance with the resolution of said convention adopted January 20, 1869, im-

posing this duty upon us, we beg most respectfully to submit herewith the following statements respecting the conditions in Texas, and the remedy which it is considered necessary to apply in order that our State may be reconstructed upon a permanent loyal basis.

It is a fact that the condition of public society in Texas has been and is still very desperate. A report of the special committee of the Convention on "Lawlessness and Violence in Texas" on June 30th last gives the following statistics of homicides:

Killed in	Whites	Freed	Total
1865	39	38	77
1866	70	72	142
1867	166	165	331
1868	171	133	304
Unknown Year	24	21	45
Unknown Race	..	..	40
Known Totals	470	429	939

The report, by way of comment on the above figures, states that the tabulation does not include so much as one-fourth of the homicides that have been committed during the years embraced, and that conservative estimates for the period place the number above an average of two per day since General Grant's election. The commissioners declare that "the civil law east of the Trinity river is almost a dead letter," and that "in some counties the civil officers are all, or a portion of them, members of the Ku Klux Klan." "In other counties," according to the report, "the civil officers are compelled to leave their counties. . . . The murder of Negroes is so common as to render it impossible to keep count of them. Free speech and a free press have never existed in Texas."

The memorial next sets forth the cause for the conditions by saying that "there can be no doubt that the different reasons which produce this lamentable state of affairs can be summed up in two words, 'Johnson's Policy.'" It then proceeds to set forth the remedy in the following elaborate form:

The Constitution should not, for the following reasons, be submitted to the people at such an early date, as the resolution of the Convention contemplates, if it is submitted at all. The State will not at that time (the first Monday in July, next) be in a condition to enter upon so important an election.

In view of the difficulties under which we labor in providing a government for one large State, the Convention, at a time when but few of the seats of the delegates were vacant (January 20th last) adopted a resolution, declaring in effect that the extent of the State, the diversified interests and the lawlessness generally prevailing, rendered a division of the State necessary and proper; that, from the size, covering an area of nearly three hundred thousand square miles, it was unwieldy, and ought to be subdivided into States of more convenient size. The great diversity of interests of the various sections: the marked dissimilarity of manners, pursuits and habit of life of the people, distinguishing the eastern from the western portion of our State, render it impossible to produce such harmony of action in the State government as the welfare and prosperity of the several sections demand, and thus the main object of state government (the furnishing of local government to the people) is lost . . .

The plan of division and the lines which find the greatest favor with the people are a division into three states, by the lines proposed in May, 1868 in the bill of Mr. Beaman of Michigan, offered in the House of Representatives.

The following table will show the area of the several subdivisions, their population as given in the United States census of 1866 and the State taxes assessed in 1867.

Section	White Pop.	Colored Pop.	Total Pop.	Area in Sq. Mi.	Taxes
East Texas	161,217	78,083	239,300	32,835	$107,589
Middle Texas	164,613	77,835	242,448	63,421	272,487
West Texas	94,318	26,958	121,276	96,628	133,664
Totals	420,148	182,876	603,024	192,864	$513,740

The population today is estimated to be 800,000 to 1,200,000. This would give to Western Texas, the least populous, 180,000 to 200,000 inhabitants . . . .

Now we grant it looks almost paradoxical to assert that while the undivided state may be carried by the old rebel element, on the other hand a division into three sections would likely offer the loyalists a chance to elect three loyal State governments. This, however, we decidedly believe will be the result. A division into three territories will give the military commander a better chance to suppress lawlessness.

There being a marked difference in the political feeling of the population east and west of the Colorado river, it is safe to assume that the people of the Western State can at once be entrusted with self-government, even granting that the two eastern states for some time remain under the immediate control of the general government.[1]

The memorial cited examples to prove the assertion that small states were relatively less expensive than the large ones from which they were formed. After exhausting the grounds upon which division was sought, the memorialists offered the alternative that in case it was not thought feasible to comply with their request, that the State be divided into three sections and each section be given *territorial* government or a *military* government until such time as might be

[1] Weekly *Austin Republican* (Official Organ of Convention), April 7, 1869.

thought adequate to enable each part to merit independent existence as a state.

The memorial was signed by E. J. Davis, J. W. Flanagan, M. C. Hamilton, and M. W. Varnell, and the name of J. R. Burnet forged to the document, which they designated the petition of the Committee from the State of Texas.

Burnett was highly incensed at their action and repudiated the entire content of the paper. His views were set forth in a minority report in the form of a memorial, dated March 18, 1869. In this he addressed the Senators and Representatives of the Forty-first Congress, stating that "the undersigned, one of the commissioners elected by the late Constitutional Convention of Texas, to represent to Congress the condition of the State &c., respectfully protests against the memorial presented to your honorable bodies respectively by the other members of the Commission." He declared that his name appeared as a signatory to the memorial without his act or authority, and then proceeded to take up one by one the points presented in the memorial of the committee and to indicate what he insisted were the true conditions of affairs in the State. He denied first that crime had increased since Grant had been elected President of the United States, and presented argument in support of his contention. In the second place he cited the Bill of Rights in denial of the contention of the majority that "a constitution was formed which gives no security to the loyal people of either color, but which is heartily indorsed by the Democrats, the rebel parts, and a few (so-called) Republicans." He used sections thirty-three and thirty-four of the general provisions in denial of the charge that the Constitution recognized rebel legislation to the injury and detriment of loyal men. In the fourth place he endeavored to show that the Constitution does not "abolish the wise safeguards offered by the Reconstruction Acts." The memorial

ends with an appeal to Congress to have the constitution submitted to the registered voters of the State for their acceptance or rejection as provided.[1]

A large representation of many of the most representative men throughout Texas, feeling that the State would be grossly misrepresented by the delegates who had been selected under such unprecedented circumstances, and knowing the attitude of those who would later be affected, in the event that their efforts were successful, proceeded to Washington for the purpose of taking such steps as might become necessary in order for Congress to understand the true state of affairs.

Davis and his supporters had succeeded in getting through the Convention a declaration that the State of Texas was too large and should be divided, but those who opposed them in the matter had not accepted the results as final. The delegation proceeded at once to Washington for the purpose of counteracting the influence of the six men selected by the Convention, and of apprising that body of the true state of affairs. On March 16, 1869, five days after the delegates selected by the Convention had made their report, the second body presented to the Hon. Benjamin F. Butler, Chairman of the Committee on Reconstruction in the House of Representatives, the following communication signed by twenty-three representative men from Texas:

For the information of the committee of which you are chairman, the undersigned citizens of Texas, now in the city, beg leave respectfully to communicate through you the following statement relative to the progress of reconstruction in our State, the present aspect of political parties, what we believe to be the present temper of the people, and also our views respecting the course which sound policy dictates as proper to be

[1] Weekly *Austin Republican*, April 7, 1869.

pursued in order to carry forward the work of reconstruction to such a consummation as will secure the tranquillity and material prosperity of our fellow-citizens . . . .

Another question which divides the republic of Texas is whether or not the territory of the State ought to be divided. This question arose during the summer session of the Convention and the efforts of the divisionists being defeated, the subject was again taken up when the Convention reassembled in December, at which time the divisionists' party succeeded in obtaining the passage of a general declaration that the territory of the State ought to be formed into smaller States. It may not be uninteresting to you and your committee to be informed why it was that the friends of division in the Texas Convention contented themselves with the general declaration. It was because they did not dare propose any particular plan of division. There could not have been found in the Convention a majority of delegates in favor of any particular lines. The delegates from the part of the State who favored division desired to have a State formed out of a portion of the territory of Texas lying to the north of the 32nd parallel of latitude north. To this the advocates of division from the eastern portion of the State would by no means consent. The plan of these later gentlemen was to divide north and south by the Trinity and Colorado rivers, and to this the northern gentlemen would by no means consent. In this strait, the few who favored any division that would increase the demand for governors and United States Senators pushed for a general declaration that division was a necessity and others fell into line because their feelings had become somewhat excited by a protracted contest, because they wished to preserve what they considered consistency, and in the hope that the results would be to them satisfactory. The idea of the *per se* division men was that a declaration that a division was a necessity would operate to induce Congress to move in the matter and propose some plan of division to the people of Texas, or perhaps divide the State *nolens volens*, as a measure of reconstruction. In the event that Congress could not be induced to do more than propose a plan of division to the people of

Texas, it was hoped that such action on the part of Congress would in its turn operate upon them to induce them to consent to the plan proposed.

Now, we wish to state for your information that the people of Texas have not at any time expressed a wish for a division of the State. The subject was not one that entered into the election of delegates to the Constitutional Convention. It will not be pretended by any one that it was a question in the election in any county in the State, or that it was discussed in five counties in the State. We do not mean to deny that some very patriotic and worthy gentlemen of the Republican party are in favor of division of the State, in the sincere and disinterested belief that it would promote the general welfare of the people; but these are not the gentlemen who put division above reconstruction; these are not the gentlemen who would reject the Constitution that has been formed by the Convention, in the hope that division may result from two or three more years of disorder and distress.

We wish to call your attention distinctly to the fact, that it is not proposed by any of the advocates of division to form only two states out of the territory of Texas. It is proposed to form at least three; one above the thirty-second parallel of latitude north and two below that parallel; or one east of the Trinity river, and another west of the Colorado river. Any division that has been suggested would involve the necessary of providing the necessary public buildings for two capitols; and as the present capitol is situated on the Colorado River, if that stream should become the boundary line between two States, the public convenience would require that some other point be selected as a seat of government, thus increasing the necessary expenditure for public buildings.

We do not hesitate to say that the people of Texas do not desire division of the State and that it is urged more in the supposed interest of individuals than for the general welfare . . . . . [1]

[1] *Austin Republican*, March 31, 1869.

There can be no doubt as to the influence of these men in Washington. Senator Watson, of Massachusetts, stated in January that the people of Texas need feel no apprehension in regard to the division of the State since, in his opinion, there were not twenty men in Congress who would sanction such a project as Davis and his supporters were proposing. Subsequent to his statement, strong influence had been brought to bear in the hope that Congress, though indisposed to initiate legislation relative to division, might be induced to take steps in order to aid the State in bringing before its people a question which, because of her own prejudices and conflicting interests, they could not do for themselves. It was represented by the supporters in Washington that Texas wanted division, but that she could find no lines upon which she could agree. It was urged that if Congress would act independently, practical unanimity of action in support of its procedure could be depended upon. The falsity of such propaganda was fully set forth by the twenty-three representatives of the people.[1]

The representatives of the divisionists were able to elicit some support in Congress. Mr. Beaman introduced two measures on March 16, 1869. The first, House Resolution No. 131, provided for three territories. Mr. Beaman seemed to have lost some of his enthusiasm for the cause of division, and was apparently moved by the promptings of Davis and his associates to offer the two plans, either of which would have met with the approval of those who favored separating the different sections.[2]

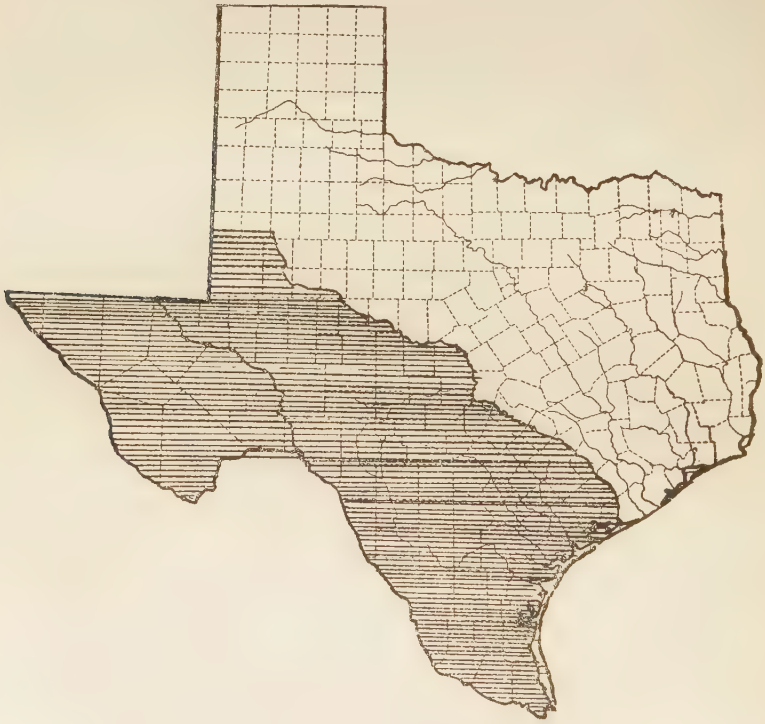
Mr. Asper, of the House of Representatives approved of the proposal and accordingly introduced a bill known as House Resolution No. 196 on March 22, 1869 to divide the State of Texas and to organize that portion of the territory

[1] *State Gazette*, January 22, 1869.

[2] *Congressional Globe*, 40th Congress, First Session, p. 100.

lying west and south of the Colorado river into a state, to be called the State of Lincoln, and to provide for the continuance of the provisional government of Texas. This bill was read a first and second time and referred to the com-

CHART XIII. "STATE OF LINCOLN," 1869 (*shaded area*)



mittee on Reconstruction. This measure did not get beyond the committee, since Congress adjourned on April 7, 1869, and the bill died with the committee.[1]

With Congress adjourned and with the Convention disorders passed, Texas breathed a sigh of relief. The advo-

[1] *Congressional Globe*, 40th Congress, First Session, p. 194.

cates of division had by no means abandoned their purpose of establishing a cleavage between the different parts of the State. With the exception of an occasional reference by way of disapproval of past procedure, the Press throughout the State considered the question closed for the time.

CHAPTER VII

Governor Davis and Division

In the campaign of the summer of 1869, General Davis announced himself as candidate for Governor of Texas. In his platform he made no mention of the question of division, and many unsuspecting people thought from this fact that the agitation for division had ended. Others, however, knowing his determination, often expressed, that he would never stop until he had accomplished his purpose in respect to the matter, urged him to commit himself. He declined to do so, however, knowing the attitude of the people. His campaign resulted in his election. Having been elected to the office, he immediately set himself to the task of consummating his dream of dismemberment of Texas. A special session of the Legislature was immediately called, and under his counsel there was offered on August 2, 1870 Concurrent Resolution No. 3, relating to the division of the State. It seemed from the action of Governor Davis that his object in bringing the question up at this time was to prepare the way for its passage in the regular session of the following year. No action was taken with respect to the resolution during the session.[1]

On January 20, 1871, the regular session of the Legislature having been convened, Senator Douglas presented a memorial praying for division of the State which had been drawn up by a convention representing twenty-one counties of east Texas which met at Tyler November 9, 1870. The

[1] *Senate Journal*, 12th Legislature, Called Session, p. 34.

same memorial was introduced into the House of Representatives by Mr. Slayter one week later. The memorial was read and referred by the President to the committee on State Affairs. Upon motion by Senator Pyle, one hundred copies of the document were ordered printed.[1]

On January 30, the House of Representatives appointed a committee of nine members to consider the question of division, and on February 1, one from the Senate was appointed, consisting of five members to cooperate with one of like number from the House. The Senate committee was formed to take into consideration the subject, "division of the State, and to report by bill or otherwise." Several members endeavored to stop further procedure on February 1, by moving indefinite postponement of the question, but they were unable to carry the measure. The House of Representatives modified its first appointment on March 25, by changing the number on the committee from nine to seven to conform to the Senate action. The attitude of the Senate in regard to the division question is seen in the vote on postponement, which failed to carry by a vote of 8 to 19.[2]

After having the question under consideration for a period of nearly two months, Senator Douglas submitted the report of a majority of the joint committee of Senators and Representatives on March 25, 1871 and moved the passage of a bill providing for separation. Only one of the ten members of the committee, Senator E. L. Dehoney, failed to concur with the majority, and his failure to do so was not due to opposition to division but to the plan of bringing it about. He stated that "rather than have no division at all," he was "as an individual, willing to accept the plan presented by the majority of the committee, proposing two new States, one east of the Trinity and the other

[1] *Senate Journal*, 12th Legislature, First Session, p. 47.

[2] *Senate Journal*, 12th Legislature, First Session, pp. 112, 166.

west of the Colorado." Mr. Dehoney was from North Texas and favored a division which would provide for one state north of the thirty-second parallel of latitude and the other two separated by the Brazos river. He declined to act in support of the plan, however, because the question had been discussed but little in his part of the State, and because he was without instruction. He favored its submission to the people of the State for their approval or rejection.

The report of the committee, as given by Senator Douglas, is as follows:

As Texas comprises one-thirteenth of all the territory of the United States including Alaska, and as her fertility of soil and mildness of climate will attract more than her ratio of population the people regard division of the State a political necessity which may be defeated for only a short time, it becoming more and more pressing and imperative with each year's growth. They are led to this conclusion by admitting the fact conceded by all that one of the greatest beauties of our form of government is its large reservation of powers to local State government, by the recognition of the principle that liberty, and prosperity of the people require that each natural division of territory of sufficient population, to accomplish with facility the ends of local government should be left to its own affairs. The whole theory of our government rests upon this foundation, else State governments are unnecessary and only serve to increase the burdens of our people.

Since the general government throws its shield of protection over all the States, the requisite population and wealth of a state is only to be considered with reference to the accomplishing of objects of local government. Prominent among these objects are the promotion of education, the encouragement of industries, both agricultural and mechanical, the promotion of commerce by aiding in the construction of works of internal improvement; and it is the especial duty of such peculiar resources as nature has bestowed upon its particular locality.

Your committee are of the opnion that each and all of these objects could be more easily and perfectly attained by the people of Texas if her territory were divided into smaller states. The difficulties in the way of establishing a uniform system of public free schools have been encountered by this Legislature, and nothing is more perplexing than the diversified wants of the different sections.[1]

Now, as in the early history of division, the people of the State who were solicitous of division were unable to agree as to boundary lines. Eastern Texas stood unalterably opposed to a state north of the thirty-second parallel, because it would include more than one-third of that part of the State which would be needed to form East Texas and because it would separate a people which by virtue of like interests desired to remain united. The citizens of western Texas were unyielding in their contention that the Brazos river should never be selected as their eastern boundary.

Several attempts were made to bring the measure up during the first session of the twelfth Legislature. On May 8, 1871, Senator Fountain submitted an entirely new scheme by offering a resolution providing for the creation of only one additional state. A motion to postpone both bill and substitute failed to carry by a vote of 9 to 12, and the bill was ordered printed. No further action was taken, however, and the measure died on the calendar.[2]

The advocates of division were rarely ever depending on one effort at a time. There were not infrequently as many as three, and in a few cases five measures formally before the Legislature at a time. Such was the case at this time. House Bill No. 588 was introduced by Representative Robinson of Bowie, April 19, 1871 and read. It was read a second time on October 25, and referred to the select com-

[1] *Senate Journal*, 12th Legislature, First Session, p. 515.

[2] *Senate Journal*, First Session, 12th Legislature, p. 187.

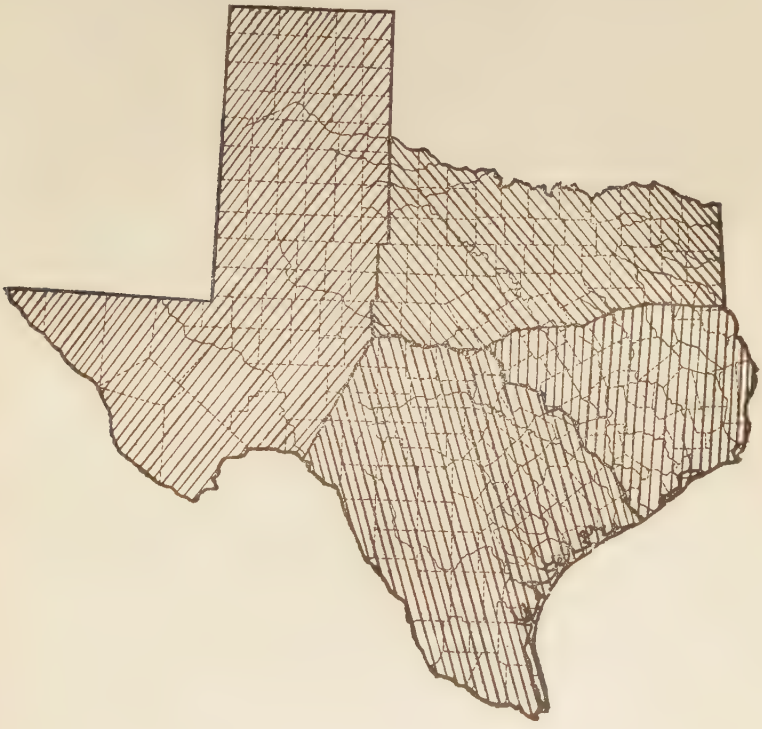
mittee on Division of the State. This was the first formal move for the creation of four states instead of three. Section one of this bill provided for the submission at the next general election for legislators of the State of Texas the question with instructions to vote " for division," or "against division." Section two set forth the boundaries, and section three provided for the election of delegates, the number to correspond to the number of representatives in both branches of the legislature. These representatives were to assemble in convention at some place in the respective divisions for the purpose of forming a constitution for the states formed.

The boundaries, according to this bill, were as follows: " Beginning at the northeast corner of the county of Bowie, thence south along the eastern boundary line of the present State of Texas to the southeast corner of the county of Panola, thence in a direct line to the southeast corner of Henderson, thence along the southeastern boundaries of the counties of Henderson and Navarro, thence in a direct line to the southeast corner of the county of Hamilton, thence along the southern boundary line of the counties of Hamilton, Brown, Coleman and Runnels to the southwestern corner of the county of Runnels, thence along the western boundaries of Runnels, Taylor, Jones, Haskell, Knox, and Hardman to the nortwest corner of Hardman county, thence along the present boundary of the State of Texas to the place of beginning. Of the second, or eastern division: Beginning at the northeast corner of the county of Shelby, thence along the eastern boundary of the present State of Texas to the southeast corner of Jefferson county, thence along the southern boundary line of the present State of Texas to the southwest corner of Brazoria county, thence along the western boundaries of the counties of Brazoria, Fort Bend, Austin, Washington, Burleson, Williams, Bell

and Coryell to the northwest corner of Coryell, thence along the proposed line of the Northern State to the place of beginning."

Of the third or western State: "Beginning at the southwest corner of Runnels county, thence along the southern

CHART XIV. PROPOSED FOUR-PART DIVISION, 1871



boundary line of the proposed Northern State to the northwest corner of Lampassas county, thence along the western boundary of the proposed Eastern State to the Southern boundary line of the present State of Texas, thence along the gulf boundary to the mouth of the Rio Grande river,

thence up the Rio Grande to the Rio Pecos, thence in a direct line to the place of beginning." [1]

The supporters of this bill advocated that it segregated the negro population in such a way as to enable the state which was most densely populated with these people to look after their interests better than would have been possible under any other plan which had been proposed. In the second place, the plan was desirable because it made unnecessary a removal of the seat of government from the city of Austin. The latter was, however, of little economic importance, as those who opposed the measure contended, since Austin had no railroad and as yet there was but little in the way of public buildings.[2]

While these efforts were being made in Texas, the friends of division had been active in Washington. On February 25, 1870, Mr. Howard asked and by unanimous consent obtained leave to introduce a bill, known as Senate bill No. 593, to divide the State of Texas and to establish the territories of Jefferson and Matagorda.[3]

In respect to lines of division, the Howard bill was virtually the same as the Beaman bill. It provided for the territory of Jefferson east of the San Antonio river and the Trinity river which section contained, according to the census of 1860, approximately 230,000 inhabitants. The territory of Matagorda consisted of that portion of the State lying west of the Colorado river, and had a population of approximately 115,000 inhabitants. The remaining part of the State, according to this bill, should retain the name of the State of Texas and should be admitted as a State of the Union in accordance with the plan of reconstruction. The two territories formed were to be admitted

[1] *House Journal*, 12th Legislature, First Session, p. 212.

[2] *Austin Republican*, March 9, 1871.

[3] *Congressional Globe*, 40th Congress, p. 1555.

as states when they were ready to exercise the functions of such.

Mr. Howard, with the consent of the Senate, offered in support of the measure arguments based upon the following statements: (1) The State with its present boundaries is too large for efficient self-government; (2) The character of the people is such as to make it a hopeless undertaking to establish a free government as organized under present boundaries; (3) The time was better suited for the task of division than it would ever be thereafter; (4) The joint resolution, according to the provisions by which Texas was admitted, expressly provided for it, and the people wanted it.[1]

Congress failed to take final action so as to set at ease those of Texas and others from continuing to speak of division as a probability. Newspapers within Texas often exchanged pert articles for division and against division. In 1874, in reply to a question propounded by the *Statesman* as to what authority would be able to bring about division, the *Daily State Journal* says "The people of Texas, together with the sanction of Congress, have ample power to take such step." The *Journal* cites evidence to show that all parts of Texas, with a probable exception in North Texas, would with a clear understanding of the proposal give support to the movement. It declares West Texas fully able to qualify for statehood, and says it has been desirous of such a step for years. "Texas is too unwieldy," says the editor, "and the different sections are too widely separated and too diverse and even antagonistic in interest and sentiment to be kept together as one State. The people of the West feel that the enforced union is tyranny, and that it prevents the development of the section." Speaking of division, he states that "it will be agitated from now until it succeeds."[2]

[1] *Congressional Globe*, 40th Congress, p. 1555.

[2] *The Daily State Journal*, January 16, 1874.

The history of Texas for many years subsequent to the events which have been related above reveals a bitter antagonism on the part of East Texas and West Texas on most political and economic questions. Commenting on the work of the twentieth Legislature, a North Texas newspaper declares that "almost unconsciously, the representatives of both houses of each Legislature are growing sectional in their efforts to legislate for the good of the State at large." In this Legislature, the rivalry between these sections was so strong that it entered into the discussion of almost every enactment that came up in either house.[1]

In 1888, Congress considered the feasibility of offering in exchange a triangular strip of territory lying south of the parallel of Memphis, west of the meridian of Fort Worth and north and east of the Red river for that portion of the Panhandle lying north of the meridian of Memphis. The Texas press gave little heed to the proposal, since Congress took no action, but the suggestion gave rise to comment on the old question of division. "There are no considerations," says one paper, "political or otherwise, that will tempt Texas for one moment to entertain any proposition looking to a dismemberment or division of this grand empire. The bargain will never be closed." [2]

Reacting to the discussions, the *Boston Globe* wonders why "it should be unjust to cut Texas up into four or more states if her people would consent to do so." It is declared by the writer that "Texas has as much territory as Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New York, New Jersey, Pennsylvania, Deleware, Maryland, Ohio and Indiana with some land to spare." He further shows that thirty-two states the size of Massachusetts could be carved out of the territory embraced in

[1] *Fort Worth Daily Gazette*, March 24, 1887.

[2] *Fort Worth Daily Gazette*, January 24, 1888.

Texas, and that the combined population of nine states of the Union which have a representation of eighteen votes in the United States Senate and which have thirty-one votes in the electorial college, is exceeded by that of Texas, which has only two votes in the Senate and thirteen in the electoral college.[1]

For a period of some fifteen years following the latter part of the eighties the spirit of division lay comparatively dormant both within and without the borders of Texas. Occasional references to the subject were made from time to time, usually in connection with the proposal to admit a new state into the Union, but no well-defined public sentiment is in evidence until the bill providing for the admission of Arizona and New Mexico was under consideration. Any scheme which may have as a result the shifting of the political center of gravity of the Nation will act as a strong agitant for division of the State. It was such a stimulus which gave rise to many newspaper comments and a few political addresses in the early part of the year 1906.[2]

As a result of the public attention to the Texas question, and apparently under promptings of sheer curiosity as to the consequences, Congressman Bede, of Minnesota, introduced a bill in the House of Representatives on April 10, 1906 to test the constitutionality of the provision of 1845 to divide the State. The preamble and resolution proposed by Mr. Bede introduced a very unique scheme. Instead of providing for separate and distinct states, the measure would create four independent legislatures, all functioning under one Governor. The plan provided for two Senators from each division. The following extract sets forth the essential features of the Bede bill:

[1] *Fort Worth Gazette*, February 27, 1888.

[2] *Fort Worth Record*, April 17, 1906.

Whereas, under a joint resolution of Congress of date of March 1, 1845, entitled "Joint Resolution for Annexing Texas to the United States" the Republic of Texas was admitted into the Union of States; and

Whereas, under the terms of said joint resolution it was provided that "New States" of convenient size not to exceed four in number, in addition to said state of Texas may hereafter, by the consent of said State of Texas, be formed out of the territory thereof, which shall be admitted under the provisions of the Federal Constitution, thus entitling said State, upon proper action being taken, to a representation of ten Senators in the United States Senate; and

Whereas, a sentiment is manifesting itself at this time in said State of Texas in favor of exercising said privilege of subdivision in accordance with the right she possesses under the terms of said Act of Congress; and

Whereas, the suggestion is being offered that the said State of Texas be divided by projection from Austin, the Capital of said State lines to the border limits thereof, making four lesser States to-wit, North Texas, South Texas, East Texas and West Texas—said States to have one chief executive and Lieutenant Governor in common, each to be apportioned into congressional districts in accordance with its population and be provided with a legislative body consisting of a house of representatives, to be presided over by a lieutenant governor who shall reside within the limits of the particular State and be chargeable with enforcement of its laws, which house of representatives, acting with a general State senate to be composed of an equal number of senators elected from each of the four States and presided over by the chief Lieutenant Governor, elected at the same time and in the same manner as the chief executive, shall make all the laws for the administration and government of said lesser States, and each of said houses of representatives, acting with the general State senate, to be authorized to elect two citizens, residents of the particular State, possessing proper qualifications to represent the same in the Senate of the United States; now, therefore, be it

Resolved, that the Judicial Committee be, and the same is hereby required to advise the House whether the proposed subdivision of said State of Texas hereinbefore outlined would be in any sense violative of the constitutional provision which guarantees to such State a republican form of government, and further, whether same would be a division of said State is compliance with the terms of said joint resolution of March 1, 1845 which would entitle said four States to elect eight senators to represent said State in the Senate of the United States.[1]

Mr. Bede offered as his reasons for supporting such a measure, if it be found not in conflict with the Constitution of the United States, the following arguments: first, Texas stood alone among the states of the Union with a unique place in history, and it should be given the advantages of more states without having to suffer dismemberment; second, she had her own declaration of independence and national constitution; third, she entered the Union by her own volition as a sister republic and not as a territory; fourth, she entered with the recognized right to divide and under such divided condition to send ten Senators to the United States Congress; she had her own national hymn and a rich heritage which could not be divided; fifth, the State as it exists is too large and its interests too diverse to admit of efficient administration of its affairs.

With reference to specific sections, the author of the bill stated that North Texas was settled by native American blood, while South Texas was largely of European extraction; that the former were prohibitionists while the latter were anti-prohibitionists; that land values in North Texas were greatly in excess of those in South Texas, which difference led to a multiplicity of complexities in determining just assessments; that industries in the different sections were totally unlike. He asserted that West Texas with its cattle

[1] *Congressional Record*, 59th Congress, p. 5021.

and mineral industries stood in need of protection, while East Texas with its fruit farms and gardens stood for low tariff; that legislation which would lead to large land holdings was needed in the former, while the latter stood in need of that which was directly opposite. Under a scheme such as his bill provided, Mr. Bede thought the State might retain those common interests which were treasured by all of its people without sacrificing those things which were needed to promote its social and economic welfare.[1]

Mr. Bede's proposal met with little more than passing interest throughout the State, and with no favorable action in Congress. The press of the State was divided, but comment was in general opposed to the plan. One North Texas paper approved of division on the ground that "it would be better for the Nation; it would be better for a democratic form of government in this country; it would be better for posterity; it would be better for the people of Texas and every interest in the State if we had four States instead of one." Other North Texas papers opposed it. "Texas is not going to be divided. . . . The sectional rivalry . . . is no greater than it is in other states . . . and is probably no greater than it should be to elicit a great people to vigorous and successful effort." Other press discussions showed opposition to the movement at that particular time but indicated their endorsement of such a plan if need for division should later arise. Fairly typical of this attitude is the comment which says that "the time may come when some kind of division will be effected for convenience, if not for necessity." This writer says, "Texas may become so unwieldy in proportions and so diverse in its sectional interests as to be impractical of administration. If such a time should come, the composite democracy suggested by Mr. Bede will be preferable to an actual physical division which will leave

[1] *Congressional Record*, 59th Congress, p. 5022.

nothing in common between the separated States. But the time has not come yet, nor will it come in this generation." [1]

In a speech in the United States Senate in April, Senator Bailey opposed division of Texas on general grounds. His speech, however, appealed chiefly to the patriotic feelings. Speaking of Texas, he declared that "it is not so much the promise of the future as it is the memory of the glorious past which appeals to her against division." He ventured the assertion that the State would never be divided.[2]

During the summer of 1906, local political issues, together with the ever-present sectional prejudices belonging to the period, gave rise to further discussion of the subject. One newspaper, speaking for the southern section, declared the differences between the North and South so manifest that division was inevitable. "The interests of the two sections," says the writer, "differ too widely, and the liberal-minded people of the South will sooner or later rebel against the fanaticism and commercialism of the North. The sentiment which now holds the State together will give way to reason, and the State will eventually be divided."

Another representative of the southern viewpoint concurred with the opinion when he asserted that there were other "irrepressible conflicts" between different portions of the State. The writer, the editor of the *Laredo Times*, deplored the necessity of division and said that there was not a Texan but who "would regret the carving up of this mighty commonwealth," but that, in his opinion, the Southwest and West would prefer separate existence to submission to numerous obnoxious laws which the people of those sections have been forced to tolerate. Of the laws referred to, the writer considered the *blanket primary* the most objectionable. Commenting on this measure, the *Times* says,

[1] *Sherman Register*, April 11, 1906; *Dallas News*, April 11, 1906; April 13, 1906; *Fort Worth Record*, April 17, 1906.

[2] *Congressional Record*, 58th Congress, p. 1981.

"If the North and East Texas members of the thirtieth Legislature force this last humiliation upon them (the people of the other sections), it will be the signal for the beginning of a revolt in West and Southwest Texas which will ultimately lead to the disruption of the State."

The press of the South and West did not assume a uniform attitude. Some of the larger papers opposed division very strongly. The *Houston Daily Post,* commenting on the foregoing editorials said, "It may be in distant years that conditions will force the division of Texas, but it is absurd to suggest that prohibition or the blanket primary law will ever be the impelling force. . . . What the conditions may be a half century from now when our population reaches 25,000,000 or 50,000,000 it is entirely too early to conjecture. It is quite possible that economic problems may then arise to give substance to a movement for division, but it is entirely too early to anticipate a possibility so utterly at variance with the sentiment of the State, and it will never be in order to consider the question of division in connection with such a temporary issue as prohibition or so just a principle as that involved in the proposed blanket primary law."[1]

After the agitation of 1906, the question was given little thought until 1909, when it once more arose in connection with the question of prohibition. Some of the candidates for principal offices of the State talked quietly among political leaders of dividing the State into not fewer than three states. Dallas and Abilene were considered the logical cities for capitals of Northeast Texas and Northwest Texas, respectively. The people of the State gave no thought of the matter, however, and it was never made a policy of any political group.[2]

[1] *Houston Daily Post,* September 2, 1906.

[2] *Houston Daily Post,* July 7, 1909; *Dallas Morning News,* August 27, 1909.

Analyzing the conditions surrounding the movement for division during the reconstruction period and subsequent thereto leads to the conclusion that the promoters of division were actuated chiefly by the hope of political advantage. That there was a real need for improvement in the political and economic life of different sections which the respective parts of the State were unable to secure seems altogether apparent. The combination of these two conditions together with the restraining influence of patriotic sentiment led to complications which kept the question continually alive but which resulted in no settlement of the issue.

CHAPTER VIII

Recent Movements for Division

The next agitation for division of the State grew out of discontent on the part of the western section of the State on account of the failure to reapportion the representation on the population basis of the thirteenth census. Steady increases in the newer parts of Texas had resulted in a need of relatively more representation, but several Legislatures had convened without action. Another source of irritation to West Texas was their failure to receive what they deemed an equitable share of State institutions.

Accordingly, the part of the State affected set to work to create a sentiment in favor of division. Newspapers, both in the disaffected sections and elsewhere in the State offered support. Division was defended on the ground that there was little in common between the eastern and western parts of the State in respect to climate, agricultural pursuits or type of citizenship. Western Texas, it was claimed, was almost entirely pure white, there being thirty or more counties in that section in which no Negroes were found. The Legislature had deliberately ignored the pressing needs of the West, it was declared, and the only way by which proper adjustments could be made was by the creation of a separate State which would have interests more nearly in common.[1]

The first formal move toward accomplishing this end was the introduction on January 28, 1915 by Senator Johnson,

[1] *Lubbock Post Dispatch*, November 24, 1914.

of Hall county, of Senate Joint Resolution No. 7, providing for the creation of the State of Jefferson out of the territory including one hundred seventeen counties of West Texas embracing the twenty-fifth, twenty-sixth, twenty-eight and twenty-ninth Senatorial Districts of Texas.[1]

The resolution was read and referred to the committee on Constitutional Amendments and was reported favorably by Mr. Westbrook of the committee, February 8, 1915.[2]

On March 19, Senator Johnson asked unanimous consent to take up the resolution, but there was objection, whereupon he moved to suspend business and take up the measure. Senator McNealus moved to adjourn, but his motion failed to carry, and the question recurred on the motion to suspend pending business. Senator Hudspeth, of El Paso, moved that further consideration of the resolution be postponed to March 19, at 11:59 p. m., the time being one minute prior to the date for adjournment *sine die* of the Legislature. Mr. Hudspeth's substitute carried with four dissenting votes, namely, Brelsford, Hall, Johnson and Parr.[3]

The resolution, offered by Mr. Johnson, was a follows:

Whereas the State Constitution requires that following each Federal census the State of Texas shall be redistricted for Congressional and Senatorial purposes, and

Whereas, the result of such failure to redistrict the State has had the effect of allowing some parts of the State to be greatly out of proportion in reference to population, and whereas, two regular sessions and five special sessions of the Legislature have passed since the last Federal census and have utterly failed to give any serious consideration to such Congressional and Senatorial re-districting, and whereas the territory hereinafter mentioned has supplied practically all of the public free school lands

[1] *Senate Journal*, 34th Legislature, p. 199.

[2] *Senate Journal*, 34th Legislature, p. 295.

[3] *Senate Journal*, 34th Legislature, p. 1204.

and is yet supplying many times more taxes to the support of the State of Texas than they are getting back in the way of school funds, and whereas, the territory included is under fair apportionment entitled to more than double its representation in the Senate and to the two additional members of Congress now serving as congressmen-at-large, and whereas there is evidently no general spirit of being willing to re-district for said purposes at this session of the Legislature, and, whereas such neglect, failure and refusal to grant a fair and equitable representation to the people of the territory included results in great hardship and financial loss to the people, and whereas, it is apparent that the liquor interests of the State and Nation are largely instrumental in the failure to re-district by subscribing great slush funds to control the politics of this State, and whereas such re-districting along reasonable and proper lines would be the means of adding several new Senators from local option of the State, and whereas, the people of the hereafter mentioned territory are opposed to the domination of corrupt politics and desire to be relieved of said condition, therefore

Be it resolved by the Legislature of the State of Texas:

Section 1. That there shall be called a special election within the State of Texas, to be held on the first Tuesday in July, 1915, upon a constitutional amendment providing as follows:

Section 2. That there is created out of the territory in Texas now comprising the twenty-fifth, twenty-sixth, twenty-eighth and twenty-ninth Senatorial Districts of this State a new sovereign State of this Republic to be known and designated as the State of Jefferson, said action being based upon an ordinance under which the Republic of Texas came into the United States, as contained in Vol. 2, of the Laws of Texas, Page 1313, being the third subdivision of Section 2, of said ordinance and reading as follows: "Third. New States of convenient . . . size . . . may be formed out of the territory (of Texas)."

Section 3. That the State of Jefferson is hereby given that part of the public school funds of this State, both permanent and available, as may be derived from the sale of public school lands

of the State, and also such sums and amounts now on hand as shall have originated from these counties in the permanent funds of the State.

Section 4. That a special election be called within the bounds of the State of Jefferson, as hereby created, for the purpose of the selection of a Governor, Lieutenant Governor, Auditor, Attorney General, Land Commissioner, Superintendent of Public Instruction, three justices of the Supreme Court, and members of the first legislature of the State, said election to be held on the first Tuesday in August, 1915. That all persons entitled to vote by the laws of Texas, be empowered to vote in such election. That the first Legislature shall consist of four Senators and such number of Representatives as are now members of the House of Representatives from Texas, representing the territory to be in such State of Jefferson. That the first Legislature of the State of Jefferson shall be held at the city of Abilene, Taylor County, in said State, on the second Tuesday in September, 1915, for the purpose of enacting such legislation as may be deemed proper. That the laws of Texas are hereby made the laws of the State of Jefferson until such time as they may be amended or changed by the Legisature of the State of Jefferson.[1]

Scarcely a half dozen Senators gave active support to Senator Johnson's scheme of division. In fact, the proceedings amply justify the assertion that the Senator introducing the measure yielded only a half-hearted support, and this support was given for the sake of the driving effect it might have over other political measures which were in need of passage.

This was not the only proposal brought forward by the thirty-fourth Legislature designed to establish lines of cleavage in Texas. On February 3, about one week after the Johnson resolution was introduced, Senator Hall offered a second plan designated as Joint Resolution No. 9. Senator

[1] State Papers, Resolutions, File 79.

Hall's resolution seemed to be mainly an extension of the plan of Senator Johnson, as it provided for division of Texas into three states to be known as North Texas, South

CHART XV. "STATE OF JEFFERSON," 1915

(*Western area, proposed new state*)

Texas and the State of Jefferson. This resolution did not fare so well as the preceding one. It was read and referred to the committee on Amendments, but it was never reported back.[1]

One other effort was made to accomplish the work of

[1] *Senate Journal*, 34th Legislature, p. 749.

dismemberment early in the session in the introduction by Mr. Bates of House Joint Resolution No. 40, which, had it been favorably received, would have created the state of South Texas. This resolution was given an unfavorable report by the committee and was never acted on by either house.[1]

The failure of these three measures marked the end of the efforts of those who sought division through legislative action during the thirty-fourth Legislature. Senator Johnson's resolution met with considerable ridicule at first, but it was given a more favorable consideration later. The factor of sentiment has always been the first to assert itself when the issue arises. The unparalleled history of the State, covering more than two centuries which were fraught with countless hardships, and the sacrifices in life and property exacted by Mexico during the war for independence and prior thereto served to develop a strong feeling of pride and deep sentiment in the hearts of all Texans. Even the thought of altering its irregular shape on the map arouses opposition to such a procedure, and the mention of dismemberment is sufficient to arouse deepest resentment. It is this reaction which greets the divisionist in the outset when the question is raised. Sober reflection has often resulted in a reversal of attitude with those who experienced feelings of opposition. Others, granting the probability of future developments which will result in division, steadfastly refuse to give assent to such a course while the struggles of the past are so vividly before the minds of many now living. According to the *Austin American,* "division of Texas into two or more states is inevitable, as conceded by those who have no difficulty in determining the ultimate result of a contest between most prominent and highly ambitious individuals and business expediency on the one hand and patriotic senti-

[1] *House Journal,* 34th Legislature, pp. 375, 755.

ment on the other." In the opinion of the *American,* "Such sentiment will prove wholly ineffectual against the combined efforts of leading men of power." It further declares that "in all cases in which mere sentiment is pitted against expediency and the ambitions of influential men, the result of the issue is never doubtful at any stage of action." The writer asserts that "offices of honor and profit which would result from dismemberment may be confidently relied upon to enlist the sincere support of political leaders, while the unwieldy size of the State, its vast and often conflicting interests, which make proper government a most difficult problem, supply arguments in favor of division which no mere sentiment may well hope to overcome." [1]

A characteristic example of the appeal to sentiment is found in the *American* in an article quoted from the *Memphis News-Scimiter,* in which the latter says, "Although there is enough room in the Panhandle to lose several of the smaller states of the Union, the people of Texas, so long as there is a drop of the Alamo blood in their veins, will resent to their last breath the division of Texas or the excision of a foot of, to them, hallowed territory." [2]

The framers of the bill for division failed to accomplish either the dismemberment or the re-districting of the State. The agitation served to test public opinion, however, and to reveal more favorable reception of the proposal than was expected. A rather liberal estimate of the approval by the public is expressed by the *Austin American* when it asserts that the general discussion of the question indicated that "a large majority of the citizens of Texas are favorable to the proposed division of the State." As a matter of fact, the subject never assumed proportions of sufficient magnitude to provoke deliberate thought among the people of the State.

[1] *Austin American,* February 18, 1915.

[2] *Austin American,* February 18, 1915.

Newspaper articles were, with few exceptions, only passing comments. No forceful, argumentive essays were written for the simple reason that no one felt that the present organization was insecure.

Numerous proposals designed to effect division have been offered by individuals or groups from time to time, but their relative unimportance has relegated them to the background. One typical example will suffice. On December 11, 1917, the Governor received a communication which advised him that a division with the Brazos river as the line of separation would create "two magnificent States." The writer of the letter endeavors to show why his plan is superior to the various ones which have been advanced and why opposition, previously experienced, will be turned into support. He also recommended that a commission be appointed to negotiate the sale of the Panhandle, which, in his opinion, would be "wholly an excrescence on the body politic of the new State of which it might form a part, useless to us for any ordinary purpose of immigration and settlement." [1]

The cause which gave rise to division in 1915 arose again in 1921. The immediate cause was the Governor's veto of a bill providing for the location of an agricultural and mechanical college in west Texas. This bill provided for an appropriation of only fifty thousand dollars, which sum was to be used in purchasing a site for the institution. Governor Neff, however, acting in accordance with the party platform refused to allow the measure to become a law. On April 2, the day on which his bill was vetoed, a mass meeting was held in the city of Sweetwater at which time resolutions were drafted and presented by Representative Chitwood, setting forth the grievances of West Texas and suggesting that if their just demands were not complied with

[1] Hunter to the Governor, December 11, 1917, Archives No. 1449.

by the next special session of the State Legislature the western part of the State would call for the creation of a new State under which, it was hoped, equal rights might be obtained. The resolutions as adopted, preceded by a preamble setting forth grievances, were as follows:

Whereas the State of Texas has maintained an unconstitutional government in that it has failed to afford representation according to population in that part of the State known as west Texas, for the past twenty years in the legislative branch of said government, thus creating inequality and injustice, and denying equality of representation to thousands of citizens of West Texas, and

Whereas, West Texas is burdened with taxation without representation, grossly unjust as compared with the taxation in other portions of Texas, and

Whereas, the citizenship of West Texas, being imbued with that inherent desire for justice and adequate educational facilities and institutions for which said citizenship has appealed in vain to the State government of Texas that posterity might be blessed with enlightenment, and

Whereas, no free and vigorous people can be content to live under a government which denies them such rights and privileges,

Therefore be it resolved by the five thousand citizens of Nolan and surrounding counties assembled here, that we demand that the State government of Texas give immediate representation in the legislative branch proportionate to our population. We demand also that a just proportion of taxes which we pay into the State treasury be expended in the erection and maintenance of such educational institutions as the people may deem proper to the training of their children. We call upon the State to equalize the burden of taxation.

Be it further resolved, that the said citizens here assembled suggest that if our demands are not complied with by the next special Legislature we will call for the creation of a new

State under which we hope to have equal rights and equal representation.[1]

The resolutions closed with a call to the West Texas Chamber of Commerce and all "lovers of justice and fair play" to aid in securing these demands. A call was sent out for a meeting of all interested in the question to assemble in Sweetwater April 6, where a plan of action would be decided upon. The feeling was tense for a few days. The West was indignant and was ready to set in motion any movement which would give promise of speedy action in the declaration of their resentment. The press gave prompt emphasis to the situation and gave expression to a general protest against the injustice which had for years been meted out to West Texas. Many openly endorsed the threat to carry into execution demand for division.[2]

The conflagration so quickly kindled was as quickly extinguished. The Governor justified his action in a statement to the press on April 4, as follows: "I vetoed the West Texas A. & M. Bill because the . . . Democratic Party said by a roll call vote that now was not the time to establish this college." He stated frankly that he was not unmindful of the correctness of Representative Chitwood's assertion that great injustice had been rendered West Texas by the Legislatures in failing to re-district the State. He also reaffirmed his intention previously declared privately, that he would call a special session for the purpose of correcting that long-standing injustice. As to the alarm over the threat to bring about a division of the State, the Governor declared that "a movement of that kind will receive no sup-

[1] *Dallas Morning News*, April 3, 1921.

[2] *San Antonio Express*, April 5, 1921; *Fort Worth Record*, April 4, 1921; *Star-Telegram*, April 4, 1921; *Austin Statesman*, April 3, 1921; *Sweetwater Daily Reporter*, April 4, 1921.

port among the conservative and sober-thinking citizenship of even West Texas beyond the effervescent oratory of the hour." The agitation ended as the Governor had predicted, but it seems unwarranted to assume that such would have been the termination in case the major demands had not been acceded to. The appropriation of money at a time when all business activities were at an abnormally low ebb for the establishment of new institutions could not be justified. Other institutions were compelled to suffer, as it was. This, the West seemed to accept, and upon being given assurance that a new basis of representation would be adopted, it quietly abandoned its efforts to bring about a division of territory into new states.

The meeting of April 6 was attended by representatives of commercial organizations throughout West Texas. The spirit could not be characterized as seditious, but it was clearly evidenced that West Texas was determined not to be ignored in the State's affairs. The establishment of a new State was given less consideration than might have been expected. The Governor's expressed intention of submitting the re-districting question for action allayed the feeling that was at first in evidence. The sense of the meeting was embodied in a series of declarations and resolutions which denounced the Governor's action in vetoing the Agricultural and Mechanical College bill, which expressed strong disapproval of his refusal to allow the appropriation for the support of the rural schools to become a law, condemned the Legislature for allowing a state of "taxation without representation" to exist in the western part of the state because of the unjustifiable neglect and refusal to redistrict the State, and which finally gave expression of the firm determination on the part of the citizenship of West Texas to right the wrongs that had been administered to them. No

specific mention was made of the threat to establish a new state, as expressed in the resolution of April 2.[1]

The question of division, thus revived by West Texas, created discussion in all parts of the State and received the attention of a few of the larger newspapers outside of Texas. The flare-up was too sudden, however, and the immediate cause too trivial to elicit argumentative expressions by the organs of public opinions. It is significant that running through most discussions of the subject there is clearly seen a thread of conviction that at some future time, usually considered not remote, Texas will exercise the right which she reserved in 1845, to form out of her immense area a number of states in order to safe-guard the interests and promote the general welfare of her people. More than one hundred weekly or semi-weekly newspapers and small dailies throughout the State failed to take editorial notice of the question, and either ignored the action of West Texas or merely related as news the events which transpired. In general, the larger daily papers either denounced the action or opposed any attempt to carry the matter into execution on the ground that it was not expedient *at the time*.[2]

Outside of Texas the question was discussed in respect to its relation to the municipal statehood movement in the North and East and to the coming problem of dividing other large States of the Union. The *New York World* and *Rocky Mountain Herald* recognize the inherent right of

[1] *Sweetwater Daily Reporter*, April 2, 4, 5, 6, 7, 1921; *Fort Worth Star-Telegram*, April 2, 4, 1921; *Dallas Morning News*, April 2, 7, 1921; *Austin Statesman*, April 4, 21, 1921.

[2] *Dallas Morning News*, April 2, April 3, April 7, 1921; *Houston Post*, April 3, April 3, 1921; *Fort Worth Star-Telegram*, April 3, April 5, 1921; *Sweetwater Daily Reporter*, April 4, April 5, April 6, April 7, 1921; *Honey Grove Citizen*, April 15, 1921; *San Saba Star*, April 14, 1921; *Menard Messenger*, April 7, 1921; *San Antonio Express*, April 19, 1921; *Das Wochenblatt*, April 14, 1921; *Quanah Tribune*, April 14, 1921.

Texas to divide, and consider its action the key to the situation in the States of Michigan, Wisconsin, Minnesota, Colorado, California and other states, where division had been proposed, and to the action and future development of the germ of municipal statehood which is being developed in the Tast and North.[1]

Thus far in the history of division no agitation has appeared at any time for the formation of the maximum number of States. It is seen that at various times there have been proposals for two States and for three States. More than once the desirability of four States has been advanced and the grounds for such a plan of dismemberment defended. Not, however, until 1921 was it seriously proposed that the rapid development of Texas justifies the formation within its borders of five commonwealths. The last proposal is that of Judge Garner, Congressman from Uvalde, who favors the creation of East Texas, West Texas, North Texas, South Texas and Central Texas into independent States. Mr. Garner favors the retention of the name Texas for each subdivision, since, in his opinion, it would be "sacrilege" to do otherwise. In offering his reasons for favoring the formation of more states, he makes the explanation that he is viewing the problem from the "standpoint of the future and not from that of the present." He thinks that twenty-five years hence, or at most fifty years from now, Texas will find it impossible to maintain an efficient system of government over its present limits; and the sooner the inevitable outcome is recognized, the better it will be for the people of the State. Some facts and assertions offered by Mr. Garner in defence of his position follow: (1) Texas is more than twice as large as the whole of New England, which has twelve Senators in the United States congress, and its popu-

[1] *New York Times*, April 24, 1921; *Rocky Mountain Herald*, September 10, September 17, 1921; *New York World*, July 10, 1921.

lation is rapidly approaching that of these six states; (2) Each of the five states created would be among the most imposing in size and resources in the Union; and none need have a population less than one-half million people; (3) the enabling act makes such a procedure a very simple one, in so far as it concerns the Nation as a whole, it being necessary only for the Governor of Texas to inform the Department of State at Washington in an official manner that in accordance with the terms of its admission in 1845, Texas had been divided into five states to be known as East Texas, South Texas, West Texas, North Texas, and Central Texas; (4) the five sections have distinctly different interests, due to the natural characteristics of the respective sections; (5) the final contest in National affairs will be one in which the congested North and East will be arrayed against the more sparsely settled sections of the West and South, and, since the final residuum of power lies in the United States Senate, Texas should have ten Senators there to represent it; (6) the size of Texas as it now is makes it impossible for a candidate for State office to place his candidacy before the people in person, since the time and expense of such a campaign are so great, unless the aspirant should be one of wealth or one who can secure financial aid from questionable sources; (7) should a candidate for State office elect to circularize the State as it now is, $12,000, a sum three times as great as the annual salary of the chief executive of the State, would be spent in doing so once; (8) it would make possible the election of legislatures which would have more accurate knowledge concerning the vital needs of their people than can be had under the present situation.[1]

CHAPTER IX

The Right to Divide

Has Texas an unqualified right to divide the State into five commonwealths, each to enjoy all the rights and privileges appertaining to states of the Union, or is the existence of such a right subject to question?

It has been usually assumed by the people of the State, and by thinking people elsewhere, that were Texas disposed to form out of its limits from two to five states, it has a specifically reserved right to take such action, in accordance with the terms of her admission as a state of the American Union. There has been no decade since the admission of Texas that the question of division has not been before the State in some form, and scores of attempts in formal procedure have been made by convention, by Legislatures and by Congress, from time to time with that object in view. Both the State and the Nation have given evidence by their acts in the consideration of bills and resolutions concerning division that the option of remaining a single state or of being broken into as many as five was in no way doubted on grounds of legality.

In the joint resolution passed by the Senate and House of Representatives and signed by President Tyler, March 1, 1845, the right of division was recorded in the following language:

> New States of Convenient size, not exceeding four in number, in addition to said State of Texas, and having sufficient popu-

lation, may hereafter, by consent of said State, be formed out of the territory thereof, which shall be entitled to admission under the provisions of the Federal Constitution; and such States as may be formed out of that portion of said territory lying south of thirty-six degrees, thirty minutes north latitude, commonly known as the Missouri Compromise line, shall be admitted into the union with or without slavery, as the people of each state asking for admission may desire; and in such state or states as shall be formed out of said territory north of said Missouri Compromise line, slavery or involuntary servitude (except for crime) shall be prohibited.[1]

In accepting the overtures of the United States, the Congress of Texas adopted a joint resolution of acceptance as an expression for the *government* of Texas, and then provided for a convention which should give expression to the will of the *people*. This convention assembled in Austin for the sole purpose of considering the proposals of Congress and adopted the resolution, a part of which follows, on July 4, 1856:

Whereas, the Congress of the United States of America has passed resolutions providing for annexation of Texas to the Union, which resolutions were adopted by the President of the United States on the 1st day of March, one thousand, eight hundred and forty-five; and

Whereas, the President of the United States has submitted to Texas the first and second sections of the said resolutions as the basis upon which Texas may be admitted as one of the States of said Union; and

Whereas, the existing government of the Republic of Texas has assented to the proposals made, the terms and conditions of which are as follows . . . .

[1] *Congressional Globe*, House of Representatives, 28th Congress, Second Session, p. 362; *House Journal*, Republic of Texas, 9th Congress, Extra Session, p. 13.

Now, in order to manifest the assent of the people of this republic, as required in the above recited portion of the said resolutions, we, the people of Texas in convention assembled, in their name and by their authority, do ordain and declare that we assent to and accept the proposals, conditions and guarantees contained in the first and second sections of the resolution of Congress of the United States aforesaid.

The resolution was signed by President Thomas J. Rusk, Secretary James H. Raymond and sixty-one other delegates to the convention.[1]

The offer having been made by the United States and having been accepted by both the government and the people of Texas, it remained only for Congress to make formal declaration that Texas had been admitted. This, Congress did on December 29, 1845, by restating the terms of the first and second sections, previously alluded to, and by declaring that the Republic of Texas had accepted.[2]

As to the right of division at this time, there can be no basis for reasonable doubt. Neither can it be doubted that at the time there was propriety in the provision, since the State included, in addition to its present limits, more than half of the State of New Mexico, a large part of the central section of Colorado, a strip of Wyoming extending to the forty-second degree of latitude, a portion of southwestern Kansas, and a few counties of Oklahoma, known later as "No man's land." The Republic claimed this as its boundary limits, and the War with Mexico, four years later, gave proof of the concurrence of the United States in respect to the southwest boundary at least.

Texas made official declaration to her claim to all this territory first in the days of the Republic on December 19,

[1] Gammel's *Laws of Texas*, 1838-1845, vol. ii, p. 1230.

[2] *Congressional Globe*, Senate, 28th Congress, Second Session, pp. 101-102.

1836 and later by joint resolution of the Legislature of the State on February 11, 1850. In the latter declaration, Texas registered her claims to the territory in the following way:

> Resolved by the Legislature of the State of Texas, that all that territory which lies east of the Rio Grande and a line running north from the source of the Rio Grande to the forty-second degree of north latitude and west and south of a line designated between the United States and the late Republic of Texas, of right belongs to the State of Texas, is included in her rightful civil and political jurisdiction, and the State of Texas will maintain the integrity of its territory.[1]

Texas had never fully explored her boundaries, much less maintained her claim thereto against the Indians and Mexicans. It is, therefore, not surprising that one should find Senators, Representatives, editors, and others outside of Texas denouncing the State and contending that her claims were empty and without basis for justification and that they should not be respected. The settlement of the controversy was affected on September 9, 1850, when the Compromise Bill became a law. This measure, according to the enacting clause, was "an act proposing to the State of Texas the establishment of her northern and western boundaries, the relinquishment by said State of all territory claimed by her exterior to said boundary lines, and all her claims upon the United States and to establish a territorial government for New Mexico."[2]

As a result of this bill, Texas gave up her claims to the territory exterior to the present general limits for a consideration of $10,000,000. It is this relinquishment which, in the opinion of some writers, invalidates, or, as some

[1] *House Journal*, 3rd Legislature, Third Section, p. 809.

[2] *Congressional Globe*, 31st Congress, First Session, pt. ii, pp. 1682-1684.

would express it, "renders consummated" the provision relating to division of the State. These writers have asserted that Texas has already been divided, and that she now participates, through the citizens of other states which embrace some of the original territory once owned by Texas, in the election of ten Senators to the United States, these being the Senators from Texas, New Mexico, Colorado, Wyoming and Kansas. It is not clear to the writer why these articles do not include Oklahoma in the list, unless by so doing they would do violence to their cause by contending for a fulfillment of the provisions of the joint resolution by forming six states instead of five, the number specified as the maximum under the law.

The contention that Texas is already divided, according to the terms of the annexation, seems untenable for at least two reasons. First, the amendment proposed by Mr. Mason and adopted by Congress on August 8, 1850, seems clearly to indicate that Texas was to have the assurance that if she would accept the proposal for adjusting her boundary, she should retain unimpaired the right of division just as she had held prior to such acceptance. The amendment, as adopted, provided "that nothing herein contained shall be construed to impair or qualify anything contained in the third article of the second section of the joint resolution for annexing Texas to the United States, approved March 1, 1845, either as regards the number of states that may hereafter be formed out of the State of Texas, or otherwise."

Slavery was at the time the most perplexing issue in Congress, and all things point to the conclusion that it was thought that Texas would not accept the offer of the United States unless her rights in respect to slavery were safeguarded, according to the terms of annexation. Some Senators and Representatives thought Texas had absolutely no right to the consideration she was being given, but they

gave support to the measure in order to end a vexing question, the adjustment of which, along lines of strict justice, seemed hopeless. Whether the amendment was offered in good faith or not, Texas so considered it.[1]

A second reason for rejecting the assertion that Texas has already been divided lies in the circumstances surrounding the disposition of the territory, which fail to conform in any sense to the constitutional provision concerning the admission of new states. The constitution of the United States provides that "new states may be admitted by Congress into this union, but no new state shall be formed or erected within the jurisdiction of another state; nor any state be formed by the junction of two or more states, or parts of states, without the consent of the Legislatures of the states concerned as well as of Congress." Texas accepted, on November 25, 1850, the offer and the conditions under which the cession of territory should be made, but she did not give assent to the formation of a territory of New Mexico nor to its ultimate incorporation as one of the states of the Union. She has, furthermore, given no consent subsequent to that time to the formation of the states of Colorado, Wyoming, Kansas or Oklahoma, which states contain parts of her original territory. The relinquishment of her territory was in the nature of a sale, and was not understood at the time by Congress or by the Legislature as being a division of the State.[2]

From the facts connected with the annexation of Texas and with the cession of territory in 1850, as revealed from study of the records of Congress and the Legislature, and in consideration of the action taken by these two bodies and by conventions from 1850 to 1921, the writer is of the opinion

[1] *Congressional Globe*, Appendix to 31st Congress, First Session, p. 1567.

[2] *Congressional Globe*, 31st Congress, Appendix to First Session, pp. 1565-1569; *Senate Journal*, 3rd Legislature, Extra Session, pp. 34-35.

that, if the State of Texas at some future time finds it to her economic interest to increase the number of states within its present limits according to the provisions contained in the resolutions of annexation, she will encounter no legal difficulties in so doing.

PART THREE
CONDITIONING FACTORS

CHAPTER X

Pressure of the Small-State Idea

Early Anglo-American settlers in Texas made their homes in that section of the State now designated East Texas. They came in wagon trains over the eastern and northern borders or by means of steamships plying the eastern and southern ports of the United States. Lack of facilities for inland transportation and quick communication, together with an indisposition to try out the unfamiliar climatic conditions of the interior, caused the immigrants to populate that portion of the country lying east of the Trinity river in advance of other parts.[1]

While no state of the Union failed to contribute something toward populating Texas, the major part of the domestic immigration came from the southern and eastern states. The census records of 1850, the first enumeration after Texas became a state, showed that the greater part of the population had immigrated from the western group of the southern states.[2]

Prior to the Civil War period in the history of Texas, judges, ministers, congressmen, legislators, newspapermen, and other leaders and spokesmen of public opinion were, in the main, men who had occupied positions in other states similar to the ones they were filling in Texas.

Long before the western part of the State had become settled or before the density of the eastern part was suffi-

[1] Yoakum, *Texas*, pp. 350-394.

[2] *Seventh Census*, United States, p. xxxii, Introduction; *Eighth Census*, United States, pp. 616-619.

ciently great to cause students of population movements to look for an outlet toward the West, a conviction as to the ultimate necessity of a division of the State was more or less current among the leaders. As population increased, expressions setting forth such action were very common. An early issue the *La Grange Intelligencer* says, "Texas is naturally divided into three parts, which will ultimately mark as many states; but were it not so cut up by nature, it would be by man, for who has ever known of a single state the size of this empire." [1]

Residence in other states where the unit of operation was small had acquainted the citizens of Texas with the idea of a small state as proper, and both consciously and unconsciously they developed the complex with such bent. Olmsted in his *Texas Journey* says, speaking of Texas, "This immense region, as is well known, is to be divided into five states, according to the terms of the Joint Resolution of Annexation." That such a course was expected by the people of the State is clearly seen in his statement as to the universality of the belief which follows: "The boundaries of these new states are, of course, not yet mapped, but in local acceptance they are clearly enough indicated. The vaguest tavern conversation assumes a natural antagonism and future division between Eastern and Western Texas. The limiting line is not drawn—the people of the East assuming the Trinity as their western boundary, while those of the West call beyond the Colorado as East Texas. This leaves between the Trinity and the Colorado, Central Texas, a convenient and probable disposition." [2]

Each decade of population growth added increased pressure to the urge for partition. Other states had employed a similar method of adjustment; "why should Texas be

[1] *La Grange Intelligencer*, May 24, 1843.

[2] Olmsted, *Texas Journey*, pp. 418-420.

thought an exception?" Many believed that the time of such action depended altogether upon certain political synchronization of Texas and Washington, and that only when the exact correspondence necessary to the consummation of such a step presented itself would Texas be divided. "The division of the State is just as inevitable as the change in the atmosphere," said H. Smythe in his *Historical Sketch of Parker County*. The time when this will be accomplished will be the time "when we have a Republican president, with a Senate and House in happy accord, or when we have a Democratic president, with the other arm of government enjoying the most intimate relations, *providing* the Legislature of Texas concurs. In other words, whenever, again, the people of the United States elect a president and a decided majority of members of Congress of the same politics, and the States of the Union elect a majority of senators of similar faith, and the Legislature of Texas can be induced to consent to such an arrangement, then, and not until then, will the State be divided, although every one concedes that it should be." [1]

Opposition, as expressed from time to time, against acting *now* on the division question cannot be interpreted as opposition to a dismemberment *per se*. It was by no means uncommon about the middle of the last century for writers to set forth strong disapproval of some new proposal for dismemberment and at the same time assert that a division must be made at some time. The *San Antonio Herald* typically illustrates such convictions in an editorial in 1866 in which it is stated that "A division of Texas cannot be postponed very long—in other words, a division of our state is only a question of time. The time has not arrived, in our judgment, and in the judgment of the best minds of the State." [2]

[1] Smythe, H., *Historical Sketch of Parker County*, p. 437.

[2] *San Antonio Herald*, December 18, 1866.

The *Dallas Herald,* though severe in 1859 in its denunciation of those who favored division assumed a modified attitude ten years from that date, as was shown by its statement in 1869 that it was "opposed to the movement *at the time.*" [1]

As was indicated in a former chapter in this study, the years intervening between 1865 and 1871 were marked by the most aggressive activity in support of division known to the history of the State. It was also shown, in Chapter VI, that very few of the newspapers of Texas championed the cause of the divisionists during the reconstruction period. Many papers, however, threw open their columns for free discussion by their readers and some invited an exposition of facts relative to the question. One of the discussions which resulted, quite typical of all in content but somewhat more scientific in method of treatment than most others, had its opening installment in the *San Antonio Herald* in the issue of November 14, 1866. Later installments were printed at irregular intervals for a period of several weeks. A summary statement of the arguments presented is given in part in the following paragraphs:

"The history of the development of the States of the American Union is a refutation of the belief that a state so boundless in area as Texas can hope to prosper." In support of this contention, the author points to sparsity of population of the State, declaring that its civilization had advanced but little beyond the pastoral stage. He compares the pride of those who contend unalterably for the one-state idea to that of the possessor of a vast farm too large for his ability to cultivate. Texas, like the farm, "is figuratively covered with weeds and thistles." The only solution, in his opinion, was to break it up into smaller units and make possible intensification.

[1] *Dallas Herald,* December 5, 1858; February 13, 1869.

The writer attributes the imperfection of the government of the State to its size. "Different portions of the State have not only nothing in common but they have no knowledge of each other. The Governor and other state officials know but one part well. The Legislature is in the most deplorable plight of all because of the different interests of the various sections of the State."

"Legislation," he declares, "should come spontaneously from public opinion, and public opinion can not exist. East Texas and West Texas have no knowledge of each other; they do not read each other's newspapers; they have no trade relations and no medium of communication. The Legislature is so heterogeneous that when its members first meet they are objects of curiosity to each other, and the first weeks of the session must be wasted because their ideas do not harmonize." "Even in matters which are not of sectional interest, the different sections create wrangling and waste of time." As an example of such wrangling, he cites the confusion over the "Sunday law," which he states was not sectional in its application and workings, but which resulted in a solid support from legislators from the East and an equally united opposition from those of the West. "The result was a loss of $1,200 per day for more than a week spent in hopeless wrangling." When it comes to matters of purely sectional interest and application conditions were, in his opinion, even worse. "The last Legislature sat one hundred days, and almost every law was incongruous and bore the stamp of hasty inconsiderate action."

The writer next cites the New England states as examples of precedents of homogeneous units worthy of emulation by Texas. "Not one of these states would consider for a moment a union under one state government on the ground of economy." The financial burdens of additional governors and other state officials for Texas under a divided state

system would be more than offset by economies in legislation alone. "Three legislatures serving states possible of crystallized public opinion concerning their needs would accomplish more for their respective states in twenty days than the legislature of the State can in one hundred days." "A system of taxation could be devised which would equilibrate the burdens for all and thereby remove the oppression of one group made necessary under the present state of affairs by the escape of another." [1]

The preamble to resolutions adopted by a group of representatives of East Texas called to meet at Tyler in 1868 contained the following clause in support of the small-state idea: "All experience has shown that the smaller and more compact state governments of the nation are the best, and carry out more completely the grand object of the Republican form of government." [2]

Antagonistic sectional interests in Texas have been conspicuously featured by proponents of division as bases of opposition to a continuance of the one-state control. "No state in the Union," says "Bexar" in the *San Antonio Herald* of December 28, 1866, "has sectional interests so distinct as Texas in nature." "The agricultural interests of the State are wholly in the East; the stockraising interests belong wholly to the West." East Texas, he declares, is comparable to Louisiana, each being a planting section; West Texas, he properly calls "Little Italy" (the land of cows). At one time in referring to distinct areas he expresses the conviction that North Texas, which he refers to as the wheat-producing section, should also be given a state government of its own, but his chief concern is over the handicap placed upon West Texas because of its union with East Texas.

[1] *San Antonio Herald*, December 5, 1866.

[2] *Weekly Harrison Flag*, December 24, 1868.

Nature, according to the writer, has so determined the dependence of the West, so long as it is bound to the remaining part of the State, that it can never have representation in Congress. "The West does not have one vote in the National law-making body." This, he considers, is due to the vassalage of San Antonio and other centers of population in West Texas to the cities of Houston and Galveston. The latter cities are ports of entry for the western part of the State, and by virtue of their stragetic positions, they hold control over not only the votes of the representatives but the general development of the sections contiguous to them. Separate statehood should, as contended by the writer, break this control by establishing independent water inlets for the commerce of the West.

Referring to the opposition to Senator Glenn's bill to divide the State, introduced in the Eleventh Legislature September 27, 1866, "Bexar" declares that, with practically no exception, arguments of the anti-divisionists appealed to the emotions and prejudices rather than to the intellect. Stripped of mere sentiment, as expressed in appeals to "Remember the Alamo" and in interrogatories such as "To whom will San Jacinto belong?" nothing remains. He closes the series of articles by stating that the history of the growth of states reveals the folly of attempting longer to remain a single State. Speaking of division of the State, he says, "It has already been made by nature, and all our utmost folly could accomplish would be to languish in the delay." [1]

The immigrant from foreign lands who had taken Texas as his home had had experience only with small governments and had developed definite ideas with respect to the

[1] *House Journal*, 4th Legislature, Regular Session, p. 876; *San Antonio Herald*, November 14, 21; December 5, 28, 1866; *Texas State Gazette* (Austin), October 30, 1852.

desirability, if not the utter necessity of breaking up the State into smaller units. Of the foreign-born citizens since the days of statehood, the Germans have uniformly outnumbered other nationalities. They began arriving in great numbers during the thirties and continued to pour into the State an uninterrupted stream of immigration well up into the last quarter of the century. The foreigners, with the exception of a few who settled in the vicinity of Houston, and Galveston, took up their residence principally in what was considered West Texas. Reasons for their choice in so far as they have affected subsequent cleavages will be given elsewhere in this study.

Residence in small states in the German Empire, together with the clannishness characteristic of all peoples of foreign birth who settle in large numbers in a new land, caused the Germans to look with favor upon any plan of division that would increase their opportunities for self-government. From the day when Texas became a state to the present time, with the single possible exception of the nineteen twenty-one movement, the Germans have consistently favored division.[1]

One of the objects of the German societies acting both in Germany and in the United States was the founding of a "New Germany" in Texas, and, if the agitation for dismemberment had succeeded in establishing the state of West Texas, their object would have, with some probability, been attained, because the Germans were compactly grouped within a narrow strip of territory extending from Bremen almost to the city of Galveston and their population had reached 20,000 by the time Texas became a state.

An effective society known as the *Geissener Auswanderungs Gesellschaft* was very active during the early days of

[1] Koerner, Gustav, *The German Element in North America* from 1818-1848, p. 359; Benjamine, Gilbert G., *Germans in Texas*, p. 49.

statehood in promoting German immigration. The mere existence of such a society would, of itself, be inconsequential in its bearing on social cleavages, since many such organizations were operating in many foreign countries, but the purpose of the *Geissener Auswanderungs Gesellschaft* did not end with the promotion of immigration. Its aims were expressly stated as "the founding of a German state, which would, of course have to be a member of the United States, but with maintenance of a government which will assure the continuance of German customs, German language, and a genuine free and popular life." [1]

As an aid in establishing what afterward became a permanent cleavage, the *Deutscher Verein für Texas* and "Germania," a society formed in New York for commercial gain, were influential factors. The latter diverted toward Texas immigration which would have otherwise gone to the interior of the United States.

Closely allied to these societies established for the purpose of bringing Germans to Texas, there was formed an organization known as the *Deutsch Gesellschaft* composed wholly of Germans residing in the State. The object of the *Deutsch Gesellschaft* was to prevent the Germans from becoming Americans after they arrived. By means of literature, addresses, and personal contact the members of this society sought the preservation of the German natural identity and individuality.[2]

The land policy of Texas contributed greatly to aggravate the situation already pregnant with sinister possibilities. Partiality and often unfairness characterized the granting of lands for colonization to these foreigners. The more valuable and better protected lands on the western borders of East Texas were reserved for settlers from the United

[1] Benjamine, Gilbert G., *Germans in Texas*, pp. 48-51.

[2] Benjamine, Gilbert G., *Germans in Texas*, p. 51.

States, while those to the west which when settled would serve as a bulwark against attacks by the Indians and Mexicans, were opened in the main to the Germans and a few thousand Frenchmen.[1]

By the close of the first half of the nineteenth century the cleavage between the Anglo-Americans and the Teutonic element was very definite and highly pronounced. Olmsted describes the situation in these words: "The manners and ideals of the Texans and the Germans are hopelessly divergent. They make little acquaintance, observing one another with unfeigned curiosity often tempered with contempt." Irregularities were charged by the Germans in respect to land grants, taxation, political representation and immigration. To combat these evils and to create a coveted social mind among the Teutons in Texas the Germans under the leadership of Degener, Kapp, Dr. Douay and others met at Sisterdale in 1853 and formed a political society which they termed "*Freier Verein.*" In the following year Dr. Douay founded the *San Antonio Zeitung,* the first German newspaper in Texas, which paper became the official organ of the German people for their political ambitions. The *Galveston Zeitung, Freie Presse für Texas, Texas Deutsche Zeitung, Texas Vorwärts, Nord Texas Presse,* and others carried out the work begun by the *Zeitung.*[2]

The Germans were very hostile to slavery, as has been shown in another chapter in this study, and used their utmost efforts to bring about its downfall in the western part of the State by separating from the East. Their leaders were numerous and powerful. The fight for freedom in the Fatherland had brought about the expatriation of some of the strongest men of intellectual Germany, and they were loath to leave Germany because of an oppressive autocracy

[1] Benjamine, Gilbert G., *The Germans in Texas,* p. 49.

[2] *San Antonio Zeitung,* vol. i, 1854.

and then accept without opposition what they termed "an autocracy of slave owners" in Texas. Not only their number and their influence but their intellectual proclivities, as well, may be appreciated by noting the actions of the Congress of the Republic in providing for the establishment of "Herman University" in West Texas, the "*alma mater* of philosophy, medicine and jurisprudence." It is interesting to note that this university was, according to the measure providing for its existence, to be supported in part from a levy of an excise on spirituous liquors within a radius of fifty miles from the University.[1]

The German element has been consistent in voting as a unit in state elections which involve the welfare or national inclinations of the Germans. Their well-known attitude on the questions of prohibition is exemplified in the vote cast by the State on November 24, 1919 on the amendment to the Federal constitution providing for prohibition.[2] East Texas (east of ninety-eighth meridian) with a population of 3,248,550 voted 117,383 pro and 191,443 anti; West Texas with a population of 1,414,678 voted 41,542 pro and 38,490 anti; North Texas (north of the thirty-second parallel) with a population of 2,044,222 voted 77,179 pro and 47,776 anti; South Texas with a population of 2,619,006 voted 81,746 pro and 92,176 anti.[3]

[1] Benjamine, Gilbert G., *The Germans in Texas*, p. 86; Tiling, Moritz, *The German Element in Texas*, p. 131.

[2] A discrepancy exists in the records of the Secretary of State, to correct which no attempt was made by the writer. The official vote, as announced for the entire state, was 159,723 for prohibition and 140,099 against prohibition. The recorded returns total 158,925 and 139,933 respectively, the difference being 798 pro votes and 166 anti votes less in each case than the official vote announced. The number of votes as recorded in the Secretary of State's office rather than the official vote has been used in compiling these statistics.

[3] *Fourteenth Census of the United States*, vol. i, pop., pp. 172-174; Archives, Office of Secretary of State, Texas.

Analysis of this vote shows that Southwest Texas, which is largely populated by Germans voted strongly for prohibition and gave to South Texas a fair majority against prohibition in spite of the fact that East Texas, as a whole, voted strongly for it.

The same cleavage is noted in the vote against secession at the outbreak of the Civil War. Kaufmann in his excellent discussion of *Die Unionstruen Deutschen in Texas* shows that the vote for secession in Texas was 39,415 while the vote against was 13,841 and says that almost all of the negative votes were cast by Germans. The interests of Texas have been secondary when the interests of the Germans have been involved.[1]

Relations between Anglo-Americans and Germans in Texas have been far more congenial and harmonious since the Civil war than before. It is true that, while sentiment among them was divided during the war, the great body of Germans affiliated in mass with the Republican party after its close, but their sectional antagonism, with the exceptions already noted, has diminished as the years have passed. American settlers in West Texas prior to the rebellion were largely from Louisiana, Arkansas, Tennessee and other slave states where there were very few Germans, and the reputation and character of many of the Americans from the northern states, who had sought homes in Texas, was not always above reproach. Many of the Americans were unscrupulous adventurers who after settling in Texas might or might not remain permanently, while the Germans were unsophisticated common folk, for the most part, who had made their permanent homes where they had settled, and who by dint of hard labor and rigid economy were endeavoring to attain independence for their families. The solution

[1] Kaufmann, Wilhelm, *Die Deutschen im Amerikanischen Bürgerkriege*, p. 154.

most commonly suggested for the unhappy relations which prevailed during the early days of the history of Texas as a state was division. Observation and experience had led most Texans to assume that the State would be carved into smaller units when the population had distributed itself over the various sections.

CHAPTER XI

Slavery

Aside from the unprecedented size of Texas and the consequent receptivity of mind of its people to proposals which might give promise of the accomplishment of the division, which all early residents viewed as an approaching certainty, no factor was more potent in effecting a cleavage within the State than that of slavery. It is probably not to be denied that of all political questions which have engaged the profound thought of American statesmen none has ever approximated that of slavery either in generality or complexity. Neither will it be denied by even the most superficial student of society in Texas that the effects of the institution are today to be observed on every hand as unmistakable monuments to its introduction.

The very existence of the clause in the resolution adopted by the United States Congress providing for the admission of Texas, which gives to the State the right of creating within its borders four additional states, is due to the unmitigated fear on the part of the slave-holding states of the Union that an undue advantage to the opposition might accrue were such a clause not incorporated. That it was believed that the admission of Texas would intensify the struggle is seen by noting the statement of Senator Benton of Missouri who declared that, " The treaty was not drawn for the purpose of obtaining Texas, but, by bringing that country in as a territory with a view to laying it out into

slave states, to prepare openly for another Missouri question, and to pave the way for a dissolution of the Union." [1]

As a recognition of the existence of both a natural and an acquired psychological state of cleavage between the East and the West in Texas and in order to make certain the non-interference with stability of the balance of power of free-state and slave-state representatives in Congress, it was proposed by statesmen at Washington that Texas be divided into two states and that the parts be admitted one free and the other slave. In accordance with this idea Representative Hale of New Hampshire introduced a measure in the United States Congress providing for such a division and indicating the line of separation. According to this measure the boundaries of the State as a whole should first be determined by the two governments, with the understanding that such division must be effected prior to any final act of admission. Due to decided opposition both in Texas and in the southern states the proposal gained little support. That its failure had a bearing on subsequent events is obvious when it is noted that of the twenty-seven votes against the joint resolution of admission, four, all from Maine, gave as their reason the statement that Texas should have been divided into two equal or approximately equal states to begin with, one free and the other slave.[2]

Texas had little more than taken her place among the states of the Union when the first formal step designed to effect a division was taken. Following out the idea in his mind in 1844 when he tried to reduce the State before admitting it, Senator Benton introduced a bill in the national Congress providing for a separation of the East from the West. To give variety to the state of affairs at Washing-

[1] *Congressional Globe*, 28th Congress, First Session, p. 607.

[2] *Congressional Globe*, 28th Congress, Second Session, p. 171; *Washington Globe*, February 28, 1845.

ton, Senator Foote introduced a bill which would accomplish the same result but in a different way and along different lines. Either of the plans proposed would have accomplished the one thing desired, namely, the divorcing of slave territory from free territory, for East Texas would have, without doubt, demanded the retention of her slaves, and West Texas would have, with equal certainty, refused to have admitted them.[1]

According to the population records of the Eighth Census of the United States, Texas had in 1860 slightly more than 600,000 inhabitants. Of these approximately 30 per cent were slaves; 30 per cent were born in other southern states; 25 per cent were native-born; 8 per cent were born in northern states; and 7 per cent were foreign-born. While many slaves were introduced before Texas became a state, the greater number, by far, had been brought since that time. In fact, the records of the eighth census show that slavery had increased 215 per cent since the enumeration of the preceding census.[2]

The salubrity of the climate of East Texas, together with the proximity of this section to the slave-holding states constituting the Old South, caused all slave owners except a negligible fraction of one per cent to settle in the East. The abundant rainfall and the high mean annual temperature of East Texas were conducive to the cultivation of cotton, sugar and such other agricultural products as were best suited to the use of slave labor. The absence of moisture together with the higher altitudes in West Texas necessitated the development of industries for which slaves were altogether unsuited. As a consequence, slave owners who chanced to settle in the West either disposed of their slaves

[1] *Congressional Globe*, 31st Congress, First Session, p. 166, also pp. 170-171.

[2] *Eighth Census of the United States*, pp. 616-619.

to East Texas masters or moved back to sections more adapted to their employment. The ultimate result was a condition under which slave labor was found in East Texas and not in West Texas.[1]

From the early forties to near the latter part of the century the population of West Texas was predominantly of German extraction. The Germans entered the State in such large numbers during the flush period of their immigration that in some instances whole counties were populated by them, and it is significant that the Germans in these counties have maintained their language and national customs to a degree nowhere else found in the United States.[2]

A marked degree of harmony prevailed between the Anglo-Americans and the German-Americans up to the beginning of the fifties. The same statement is applicable, however, for the Americans themselves since there were but few disturbing questions. During the fifties the known antipathy of the Germans to slave labor and the competition between slave and free labor virtually established the exclusion of Anglo-Americans from neighborhoods occupied by the Germans.[3]

The Germans were so hostile to slavery during the early fifties that there began to develop a sentiment for a free state in the West. Since a free state anywhere in the United States meant trouble to the slaveholding states, there immediately arose opposition from within and from without the State. The *New Orleans Picayune* expressed the opinion that one of the principal reasons why Texas did not divide during the early days of statehood was the fear that West Texas would be a free state because of the predom-

[1] See chapter ii, "topographic and climatic variations," *Eighth Census of the United States*, p. 616.

[2] Benjamine, Gilbert G., *The Germans in Texas*, pp. 73-74.

[3] Tiling, Moritz, *A History of the German Element in Texas*, p. 55.

inance of foreign-born citizens who were opposed to slavery. The *Picayune,* though refusing to recognize the foundation for this fear, suggested the creation of a new state out of the First Congressional District of East Texas which was known to be pro-slavery in its sentiments.[1]

By the middle of the fifties the political atmosphere of Texas became surcharged over the happenings within its borders and in other parts of the United States. Party lines became closely drawn among the Anglo-Americans, irrespective of sectional lines. The Kansas and Nebraska Bill, John Brown's Raid, the defeat of Senator Sam Houston by Runnels for Governor and the reversal of an expression of confidence two years later, the activities of the Know-Nothing party, and the declaration by the Texas Democratic Convention of approaching danger in case a Republican President were nominated and elected all served to create a state of mind in Texas bordering consternation.[2]

That the foreign element in West Texas should seize the opportunity to promote their cherished scheme for becoming independent of the pro-slavery advocates of the East is not surprising. Secession from the Union had already been predicted by the Democrats of Texas; why, they reasoned, should they be a party to such a course when their action would not have the approval of their conscience, and when by refusing to do so they might hope to attain a status in the Nation which was so greatly coveted?

Conditions were favorable, and the scheme seemed feasible. "Some may look upon such an event as a free state of Western Texas as improbable," says the *State Gazette,* "particularly at a time when such strenuous efforts are being made to carry slavery into Kansas, where slavery does not

[1] *New Orleans Picayune,* quoted in San Antonio *Ledger,* December 26, 1857.

[2] See Ramsdell, C. W., *Reconstruction in Texas,* pp. 12, 13.

exist by positive law. Yet, there is a strong probability that such an event will occur." The opinion was based upon the fact that foreign immigration was greater than domestic immigration as indicated by the ratio of approximately ten to one, also upon the well-known fact that "all foreign immigration was opposed to slavery from principle, prejudice and education." The *Gazette* bases its belief also on the fact that many of the immigrants from the States merely tolerated slavery because it was a state institution. It declared that when the time comes when they can in freedom express their vote for or against it, they will oppose it whether West Texas shall be free or slave. This fact, the *Gazette* thinks, was not well known, or if known was not duly considered.[1]

It was the opinion of some writers that Know-nothing journals magnified the possibility of establishing a free state in order to arouse the citizens to a realization of what they considered a danger from unrestricted immigration.[2]

Kapp, writing in the New York *Tribune,* in 1855, predicts the formation of a free state as a certainty because of the fact that all of the Germans of the State are abolitionists and because of the belief that German immigration would proceed at the rate of from ten thousand to twenty thousand a year.[3]

The *New Orleans Creole* in an editorial, in April of 1856, evinced a very apprehensive state of mind over the proposal. "From various sources," says the writer, "we have come into possession of facts which go to show that the Germans, French, Swiss, Hungarians, and other foreigners will, ere long, make a free state out of Western Texas. We

[1] *State Gazette* (Austin), May 24, 1856, quoted with comment from San Antonio *Herald.*

[2] Benjamine, Gilbert G., *The Germans in Texas,* p. 104.

[3] *New York Tribune,* January 20, 1855.

have lately conversed with men from that part of the State, and they unhesitatingly aver that the foreigners there to a man are opposed to slavery. There are also men from the North who are insidious leaders in the movement and who are urging the foreigners to take a bold stand in favor of the project. They are busy in the work of drilling them for the contest, and already boast of having ten thousand votes." [1]

The same attitude is reflected in the North, where the question was causing concern.[2]

Back of these newspaper observations lay the fact that the Germans were actively engaged in crystallizing public opinion among themselves with respect to their cherished schemes. A strong group-consciousness was rapidly taking form. In May 1854 a convention of Germans was called to meet in San Antonio for the purpose of demanding certain fancied rights. Their grievances were embodied in a resolution which demanded, among other things, that laws be enacted which would be so simple and intelligible that they could be interpreted without the aid of lawyers, that grand juries be abolished, that there be no capital punishment, that temperance laws be abolished, that there be no religious instruction in schools, that there be no Sunday laws, and that Congress be not convened with prayer.[3]

Various organizations and societies were perfected at this time among the Germans, such as the "Saengerbund von West Texas," and the Houston "Turnverein." The latter was organized at Houston January 14, 1854 ostensibly, if not actually, to promote the general welfare of the German people in the practice of such virtues as brotherly love and to stimulate mental and physical exercise and study.[4]

[1] *New Orleans Creole*, April 25, 1856.

[2] *New York Independent*, October 22, 1857.

[3] *San Antonio Zeitung*, May 20, 1854; Winkler, E. W., *Platforms of Political Parties in Texas*, pp. 58-60.

[4] Tiling, Moritz, *The History of the German Element in Texas*, p. 132.

The consequence of the amendments concerning the San Antonio convention and of the organization of these various societies was a storm of protest from various parts of the State. The *State Gazette,* commenting on the subject, stated, after reviewing the hospitable treatment of the German settlers in Texas, that "if in return, they were engaged in forming secret societies in league with similar societies among the fanatics of the North, to undermine and uproot our institutions and laws, religion and its ministers, it is time the people should know it." [1]

The Texas State Times of June 16 printed a very scathing denunciation of German activities in presuming to dictate to the people of the State where a friendly and helping hand had been extended these immigrants. The writer declared it a time of most serious moment to Texas when under the protection of our own laws a group of foreigners behind closed doors in their secret societies could form plots designed to destroy our domestic and political institutions.

To characterize the German people as a whole with the indorsement of such activities, however, seems unwarranted. The *Indianola Bulletin* of June 23 expressed the opinion that such was the work of the ultra radical element among the Germans and that it should not be charged to the Germans as a whole. Regardless of the per cent of the German population which participated or approved of the action of the radicals, the effect was the establishment of an unbridgable cleavage.

The German newspapers were very active. In fact, the *San Antonio Zeitung* was so radical and untactful that its editor, Dr. Douai, was forced to sell his interests and to leave the State. *The State Gazette,* in criticism of Douai's paper says, "Were it printed in England, we do not believe that there is a respectable man in San Antonio (where the

[1] *The State Gazette* (Austin), June 22, 1854.

Zeitung is published) that would not be incensed by its free-soilism, and we cannot say what course might be pursued toward its proprietors." The editor suggests that only two courses should remain open to Douai, namely to desist from a doctrine which would rob the State of its property or to take up his march. Under date of June 22 the editor of the *Gazette* declares that if Douai were under the Louisiana state laws, he would be subject to life imprisonment or the death penalty, and that he hopes to see such a law enacted in Texas and carried out.

The plight of the *San Antonio Zeitung* seemed not to dissuade the German organ of Galveston from continuing along its unpopular course, as is seen in the translation of an article appearing in its columns a few weeks later under date of August 19. The article is given in full as follows:

You have often observed that the continual clashing between natives and foreigners might easily come to a general eruption, which would result disastrously to the Germans, unless we consider in time the proverb that, "He who desires peace should prepare for war."

The Cincinnati April scenes and those at Columbia, have shown that the police in such cases are not fully sufficient for our guard or for the suppression of the mob. In such cases, we must depend upon ourselves to defend our families and property, as is our duty and right. Without an organization, this is impossible. In the moment of an attack, it is too late to form such an organization; our duty is to organize beforehand. I therefore submit the following proposition.

1. To form in every town, where there is sufficient German population, one or more guard companies who shall furnish their arms.

2. The uniform must be everywhere the same, to preserve equality. The uniform is necessary to prevent confusion and to distinguish our friends.

3. The arms must be everywhere the same and we recommend as the best the Turners and revolvers.

4. A member of any company shall be recognized as a member wherever there be such a company armed. All the companies must be in connection with one chief leader.

5. The decade system is the most commendable; *i. e.*, every ten members to constitute one decade and make one leader, who in case of necessity can call together his nine comrades. The leaders then elect their officers. Five decades would be enough for one company.[1]

The declaration of speakers show to some degree how near to armed conflict the State came.

"Now, let us manfully and firmly oppose the arrogant assumption and overbearing of these natives," says Herr Whipprecht in a speech at New Braunfels, "Let us oppose the further extension of this slave-holding population in Western Texas, for we have cultivated and settled this country before the natives thought of doing so." [2]

It is doubtful as to what would have been the outcome of the state of feeling existing between the East and the West over the German actions had not the rapid march of events brought on a struggle between sections of the Nation which overshadowed that between parts of the single State. The attitude of the Germans toward slavery and the competition between free and slave labor made for unreconcilable conflict. The mere fact that German cotton yielded a higher price in the markets of the world would naturally cause the Americans to look with disfavor upon the foreigners. Benjamine thinks that in no part of the southern states was the free and slave labor brought into so great contrast as in Texas.[3]

[1] *The Galveston Zeitung*, August 19, 1855.

[2] Bussey, *Immigration*, p. 32, quoted from the *New Orleans Creole*.

[3] Benjamine, Gilbert G., *The Germans in Texas*, pp. 74-75.

Smith declares that from the first time that the Germans settled in great numbers in Texas there were unreconcilable disagreements between them and the Anglo-Americans. He attributed it to the existence of slavery and to the characteristic of the Texas German which rendered him indisposed to mingle with the natives. The Germans, according to Solms-Braunfels' book, looked upon the immigrant from the States as "the worst sort of drift bent on defrauding the unsuspecting foreigner at every turn." With such a feeling in the minds of the Germans matched by an extreme jealousy on the part of the Planters, it is easily seen that a struggle was imminent.[1]

Olmsted attributed the domineering characteristics charged by the Germans against the Americans to the rule which the latter had been accustomed to exercise over the Negroes and Mexicans.[2]

It seems clear that had Lincoln's proclamation not been made the situation in Texas, with its rapidly increasing population and with its more rapidly increasing hatred for the free-soilers, would have soon reached a crisis fraught with great danger to the welfare of the people of the State. Provision for division of the state had been made, and a most insistent cleavage had developed; whether it could be effected without bloodshed was uncertain. The terms of admission expressly provided for a possible division into five parts, but two were all that were desired at this time. The Democratic convention of 1848, which met at Houston, showed in paragraph eighteen, that division was contemplated,[3] but the convention of 1868, after the issue of slavery in its direct application had passed, opposed it. Section nine of

[1] Smith, Edward, *Account of a Journey through Northern Texas, in 1849*, p. 89.

[2] Olmsted, *Texas Journeys*, p. 431.

[3] *Democratic Telegraph and Texas Register*, March 2, 1848.

the platform of that year declares, "That we are opposed to and condemn the present radical scheme for the dismemberment of the State of Texas, which is solely for party purposes and plunder.[1]

While party plunder did play a most important part in the adjustment following the war, it must be recognized that the vigor of the movement for a separate state in West Texas carried the agitation on after slavery, the strong force which gave to it impetus, had been withdrawn. It was not easy for those who had favored division so strongly before the war to adjust themselves to a new way of thinking even though they did have to seek another reason for their course of action.

The indirect effects of slavery were probably as powerful as the direct effects in bringing about changes in the sectional interests of the State, and it has been these which have furnished weight in respect to the agitation which has arisen from time to time since the Civil War. Per capita wealth, illiteracy, inequalities in taxation, divorce, prohibition and other conditions and problems are involved in the problem of slavery.

In 1850 the Negro population numbered 182,556, or 30.2 per cent of the total population. "This mass of propertyless, ignorant blacks was added to the citizenship of the State as a result of the war, and by 1870, the Negro element of the population numbered 253,443, or 30.9 per cent of the total population. Nothing was done up to 1870 to improve the economic or intellectual status of this class, and nothing could be done for either whites or Negroes because of the misgovernment at Washington and the prostrate financial condition of the State." [2]

[1] *Flakes Daily Bulletin* (Galveston), July 12, 1868.

[2] Miller, Edward Thornton, *A Financial History of Texas*, p. 157; *Ninth Census*, United States, 1870, Vol. Pop., p. 450.

Educational agencies were few and ineffective and had been so throughout the period of statehood. In 1850 there were only thirty-eight regular newspapers and periodicals in the State. Of these, nineteen were literary and miscellaneous; fourteen were political; two were religious, and one was neutral and independent. At that time there were only three public libraries in Texas and the combined volumes numbered only 2,100. The situation confronting the State can be appreciated when it is known that in 1870 thirty-three per cent of the population ten years of age and over could not read, and that there were only 548 schools with a teaching force numbering 706, on a total expenditure of $414,800.[1]

The illiteracy problem was for many years confined largely within East Texas, but it has been quite evenly divided in recent years owing to the drift of Mexicans into West Texas. The last fifty years have been marked by a reduction of from thirty-three per cent to approximately six per cent, the ratios for East Texas (east of ninety-eighth meridian) being 6.2 per cent and that of West Texas being 6.6 per cent. The ratios for North Texas (north of the thirty-second parallel) and South Texas show striking variations, that of the former being only 3.3 per cent while the latter mounts to 8.7 per cent. The wide discrepancy between North Texas and South Texas is without doubt due to the presence of the great mass of both Negroes and Mexicans in the southern division of the State and to their absence in the north.[2]

The state problem of divorce is marked by a distinctly

[1] *Seventh Census of the United States*, 1850, p. 289; *Ninth Census of the United States*, 1870, Vol. Pop., p. 450.

[2] *Fourteenth Census of the United States*, vol. iii, Pop., pp. 990-1014. These statistics were taken from unpublished studies on illiteracy in Texas, made by the author.

sectional aspect, a part of which can be traced to the introduction of slaves into the eastern part of the State. According to the Federal study of 1916 there were 8,504 divorces granted during the year and 54,003 marriages recorded, a ratio of one divorce for every six and three-tenths marriages. A study by sections reveals that East Texas (east of the ninety-eighth meridian) shows a ratio of 1 to 10.5, while West Texas shows only 1 to 5.5.[1]

Three reasons may be assigned for the wide difference. First, East Texas has a mass density four times as great as West Texas. Other factors being constant, the number of divorces increases relatively more rapidly than the population. Second, the Roman Catholic Church, with its well-known opposition to divorce, is more strongly intrenched in West Texas because of the presence of the Mexicans. Third, the Negroes are situated in East Texas.

The third cause, the presence of the Negro, must be assigned as the one of ranking importance. Officials connected with divorce proceedings concur in the statement that there is an excessive number of legal separations among the blacks as compared with the whites. Judge Charles L. Brushfield of the judicial district embracing the counties of Panola, Rusk, and Shelby, says there are three times as many divorces among the Negroes as there are among the whites in his district, although the former constitute but one-third of the population. A striking example of the instability of Negro marriage is found in one of the central east Texas counties. Horton B. Porter, judge of the sixty-sixth judicial district, states that in Hill county, the records show that from November 14, 1921 to November 14, 1922 there were issued sixty-one licenses for Negroes and four

[1] *Marriage and Divorce*, 1916, Department of Commerce, Bureau of the Census. Taken from unpublished studies in Marriage and Divorce, made by the author from the Federal bulletin.

hundred nineteen for whites, and during the time specified 54 divorces were granted to Negroes and 29 to whites.

The accompanying tabulation shows the facts as taken from the Hill County records and placed beside the population of 1920:

	Negro		*White*
Population (1920)	5,441		37,030
Number Marriages	61		419
Number Divorces	54		29
Ratio of population	1	to	7
Ratio of marriages	1	to	7
Ratio of divorces	14	to	1

It appears that marriages of the two races stand in the same ratio as population, but that in spite of the fact that there are seven times as many whites as there are Negroes in the county, there are twice the number of divorces among the latter. Reduced to a common basis, it appears that the divorce rate for Hill county is fourteen times as great for Negroes as it is for whites.[1]

[1] *Fourteenth Census of the United States*, vol. iii, Pop., p. 1000. Texas; *Marriage and Divorce Records*, Hill county, 1921-1922.

CHAPTER XII

Demotic Composition

The population of the State of Texas is the result of an intermingling of stocks possessed of unlike qualities, habits, and organic constitutions. Had the distribution of these various racial strains been somewhat uniform over the different sections during the time when immigration from the States and from foreign countries was pouring over the borders, it is conceivable that no noteworthy cleavage among the elements would have arisen before amalgamation within the dominant race would have reduced the possibility of antagonism to a minimum.

Such distribution was not effected or encouraged, and, consequently segregation of a very heterogeneous people into comparatively small homogeneous groups resulted. When by virtue of amalgamation the State might have been in a condition which makes for sympathy and harmony it was so divided into sections as to render even assimilation difficult, if not for a time, impossible. Social cleavages were inevitable.

The only distinct racial element of note which sustained a causal relation to the agitation for dismemberment was the Negro. It is not to be inferred that the Negro played a consequential part in the political activities of the State. It was his presence and not his active participation in the affairs of state which has given to the division question a sectional aspect. Barring the period of Reconstruction and the years immediately following, during which time Negroes were in some cases selected to serve as convention delegates, legis-

lators, and peace officers, the voice of the black man has never been heard upon the political and economic issues of Texas.

Prior to 1861, the cleavage between East Texas and West Texas, in so far as race antagonism is concerned, was based upon slavery; from that date it has been founded upon the economic problems which emerged from the institution. Such problems as destitution, tenantry, illiteracy, crime, and illegitimacy, have assumed distinctly sectional aspects in East Texas, where the Negroes have resided since the days of slavery.

"East Texas claims the right," said Lemuel D. Evans, of Titus county, in 1868, "to a chance to protect its citizens, both white and black, from these half-naked, ignorant, freedom-crazed irresponsibles who have been thrown upon our hands by the victory over the Southern forces, and the longer one weak government attempts to dissipate its energies over such an expanse as is now embraced the longer must we witness this distress." Evans exerted every possible effort both in Texas and at Washington to accomplish dismemberment.[1]

The same recognition of the race problem is voiced by the *Harrison Flag* when it says "The West must of necessity be unsympathetic with respect to the needs of the East where thousands of penniless blacks without forethought or purpose stalk about susceptible to every allurement presented to a benighted mind."[2]

Alleged crimes by blacks against whites and counter crimes by whites designed to terrorize the Negroes were charged by those who favored the division of the State for ten or twelve years after emancipation. A compact state

[1] Lemuel D. Evans, *Speeches*, in pamphlet form, Texas Collection, University of Texas.

[2] *Harrison Weekly Flag*, December 24, 1868.

embracing that part of Texas occupied by the Negroes was thought by some to be the only solution to the disorders which prevailed. The lack of public support of the military government together with the disposition to discredit its operations caused many to look with favor upon any effort designed to terminate the central power.[1]

In a memorial to the United States Congress presented by E. J. Davis, J. W. Flanagan, M. C. Hamilton and W. M. Varnell, commissioners appointed by the Texas convention to represent the State at Washington, it was declared that the weakness of the government, operating as it was over so vast an area, was so manifest that there was a state of lawlessness existing throughout the State, and that in the opinion of the commission the only solution was to dismember Texas and establish smaller states. They advised Congress, in case it was thought inadvisable to establish state governments in all parts at once, to admit Western Texas to statehood first and wait until East Texas had gained control of the situation resulting from the liberation of the Negro before making further extensions.[2]

Two years later, Senator Douglas, representing East Texas, presented to the Texas Legislature a memorial adopted by a convention of representatives from twenty-one counties of East Texas which met at Tyler, East Texas, November 9, 1870. This memorial prayed for the formation of a state the boundaries of which would inclose under one government that portion of Texas in which the Negro resided. The petitioners declared the remaining part of the State unsympathetic and ignorant with respect to the social and economic need of that part of Texas formerly recognized as the slave-holding area of the State.[3]

[1] *Tyler Index*, January 7, 1869.

[2] *Weekly Austin Republican*, April 7, 1869.

[3] *Memorials*, Archives of the State of Texas, Austin.

The *Fort Worth Gazette,* of February, 1888, commenting upon the relative size of Texas in comparison with other states of the American Union acknowledges the existence of a distinct problem which has engaged East Texas in respect to housing and educating the Negro. While the *Gazette* does not favor division, it suggests that if East Texas were free as a state to grapple unhampered with its problems an appreciable approach to their solution might reasonably be expected.[1]

A study of the housing problem in Texas has revealed the fact that the Negro's presence in Eastern Texas has given rise to conditions of living nowhere else found in the State. The situation is more acute in the rural communities than it is in the cities, but in both city and country examples of the worst conditions are to be found among the Negroes. Most Negroes live in tenant houses, and landlords are concerned but little with the unsanitary condition of their quarters. One writer in describing the housing conditions says:

> The houses occupied by tenants are usually very small. In many conditions they consist of only two rooms with a back shed room that is used for both a kitchen and dining room. The Negro tenant farm house often does not possess even glass windows. Light and ventilation are received through an opening that is protected from rain by a small door on hinges. It is not exceptional for from five to ten people to be housed in a building of this kind.[2]

City conditions reveal no exceptions to bad living conditions of Negroes. Houston, with 25 per cent of its population Negroes probably ranks first among the larger cities in respect to bad conditions. Among the smaller cities, Beaumont, with 32 per cent of its population Negro, like-

[1] *Fort Worth Gazette,* February 27, 1886.

[2] W. B. Bizzell, *Survey,* vol. 44, April 3, 1920, p. 27.

wise ranks high in the list. Along with such conditions flourish illiteracy, family disruptions and like evils.[1]

A striking sectional variation is revealed in the problem of illiteracy, as has been briefly indicated in another chapter of this study. The two population elements which give rise to illiteracy are the Negro and the Mexican. The former is confined very definitely to East Texas and the latter to Southwestern and central Texas. The first is largely the result of the excess of births over deaths since the Civil War; the second is due mainly to the heavy immigration of the past two decades. The following paragraphs taken from a report made by the University of Texas under the direction of E. E. Davis, Specialist in Rural Research, at the request of the Thirty-fifth Legislature shows the effect of race and nationality upon illiteracy in the State:

In the year 1900, 38.7 per cent of the Negroes 10 years of age and over in Texas were classed as illiterate. By 1910 the number of negro illiterates in Texas had fallen to 24.6 per cent. The reduction of negro illiteracy in this State during the last two decades has been very remarkable indeed. Negro illiteracy in Texas has been reduced by 54 per cent since 1900.

However, there are still 102,053 negro illiterates in the State. That constitutes 34.4 per cent of all the illiteracy in Texas. One illiterate out of each three in Texas is a negro. This condition we have in the face of the fact that the Negroes constitute only 15.9 per cent of the entire population.

. . . The greatest density of Negro population in the State is to be found in Marion, Harrison, Walker, and San Jacinto counties. The percentages of the negro population to total population in these four counties are: Marion, 61.2 per cent; Harrison, 61.7 per cent; Walker, 52.5 per cent; San Jacinto, 55.6 per cent.

. . . That there is a very close relationship between the dis-

[1] Max Sylvius Handman, *Southwestern Political and Social Science Quarterly*, vol. v, pp. 258-259.

tribution of illiteracy and the distribution of the negro population in the eastern part of the State can be very forcefully demonstrated by comparing the Illiteracy Map with the Negro Population Map. For example, Marion, Harrison, Walker, and San Jacinto counties are the only counties of the State whose negro population is in excess of 50 per cent of the total population. The percentages of illiteracy of these counties are 12.5 per cent, 15.4 per cent, 11.6 per cent respectively. On the other hand, from a further examination of the Negro Population Map, we find no other East-Texas counties having so few Negroes as Van Zandt, Raines, Hopkins and Delta. Van Zandt county has 4.9 per cent of Negro population and 4.3 per cent of illiteracy for the entire population. In like manner, Raines county has 6.5 per cent of Negro population and 4.6 per cent of illiteracy; Hopkins county 8.7 per cent of Negro population and 3.9 per cent of illiteracy. On the Illiteracy Map and on the Negro Population Map, Van Zandt, Raines, Hopkins and Delta counties stand out conspicuously because of their low percentages of Negro population and their low percentages of illiteracy as compared with other East-Texas counties. In East Texas where the Negroes are least numerous illiteracy is least prevalent.[1]

Seventy-three counties of West Texas have no Negro children of school age while only two counties of East Texas are so characterized. Ninety-seven counties of West Texas supplement annually the State school fund apportioned to their schools by sums raised by local taxation to equal or exceed that of the State, while only twenty-two counties of East Texas do so. Were the distribution of wealth between the races of East Texas not so greatly out of proportion to the ratio of the scholastic population, there would be a greater similarity between the literacy rating of the two divisions of the State.[2]

[1] E. E. Davis, *A Report on Illiteracy in Texas*, University of Texas Bulletin, No. 2328, pp. 18-20.

[2] Annie Webb Blanton, *Twenty-Second Biennial Report Education in Texas*, pp. 196, 228.

Prior to 1900, Mexicans residing in Texas were confined mainly to a narrow strip of territory lying east of the Rio Grande and to a few cities not far distant from the border, but their movement toward the interior by way of San Antonio is very perceptible in recent years. No reliable statistics relative to the number is available owing to the fact that the Federal census enumerates as Mexicans only those classified as foreign-born. Native-born Mexicans are classified as native-born whites; consequently, there are no means by which it can be known accurately the per cent of the total population belonging to this nationality group. It is known, however, that the number belonging to the State is increasing at a very rapid rate. The Twelfth Census recorded 70,981 foreign-born Mexicans. Ten years later, the number was 124,238, and by 1920 it had reached 249,652. These figures show an increase of 252 per cent during the first twenty years of this century. Unless more restrictive measures with respect to immigration are adopted grave social problems will of necessity engage the people of Texas as a result of the influx.[1]

The most obvious problem among the Mexicans at this time is that of illiteracy. The census records do not show the number of illiterate Mexicans in the State, but data are available from which reliable conclusions can be drawn with respect to the magnitude of the problem. Of the 360,519 foreign-born whites residing in Texas in 1920, 249,652, or 69.2 per cent, were Mexicans. The total number of foreign-born whites ten years of age and over was 332,955. Of these, 112,417, or 33.8 per cent were illiterates. It seems warranted to conclude *a priori* that approximately one-third of the foreign-born Mexicans are illiterates.[2]

That such a conclusion is in accordance with facts is con-

[1] *Fourteenth Census of the United States*, vol. ii, Pop., p. 921.

[2] *Fourteenth Census of the United States*, vol. iii, Pop., p. 1022.

vincingly established by Mr. E. E. Davis in his report to the Texas Legislature on illiteracy in the State. He shows that, "as a rule, the counties with the largest number of foreign-born white illiterates are the counties with heavy foreign-born Mexican population," and that, "the counties having the largest numbers of native-born white illiterates are also, as a rule, within those portions of the State having the heaviest Mexican population.[1]

The influence of the Mexicans in Texas upon the political thought of the State has been negligible in spite of the fact that they have maintained a few newspapers edited by men of some distinction. The Mexican population has been composed chiefly of unskilled laborers, who have given little concern to things other than earning a living. Relations between Americans and Mexicans have been largely that of employer and employee, and these relations have been, in the main, relatively harmonious. Hostility, however, has characterized the two populations as wholes from the earliest period in Texas history. The union of Texas with Coahuila, adverse colonization laws, the Texas Revolution, war between the United States and Mexico, and numerous invasions of relatively small magnitude have served to engender feelings of perpetual discord. Very few Mexicans, native-born or foreign-born, seemingly have a patriotic love for the flag of Texas or of the United States.[2]

The Mexican and the Negro maintain toward each other feelings of antipathy. "Sambo do not like Josè." The standard of living of each is very low in comparison with the white Americans, but owing to the classification of the Mexican as white he exercises social privileges denied the Negro. The Mexican rides in railway coaches and street

[1] E. E. Davis, *A Report on Illiteracy in Texas*, University of Texas Bulletin No. 2328, pp. 12, 13.

[2] *Annals of the American Academy*, vol. 93, p. 124.

cars with the white American. He sleeps in Pullman and sits in church and theater with him, a privilege not accorded the Negro. The latter, believing himself equal to the former in all respects and superior in some, resents the discrimination. The advance of the Mexican is everywhere marked by the retreat of the Negro.[1]

A few population elements are found in Texas which because of small numbers or of uniform distribution have created no noteworthy cleavages because of their presence. Among these population elements are found the Irish. No marked concentration of the Irish is to be observed during the period of their immigration other than that resulting from their preference for city and town life. Names appearing in city and town directories reveal a wide distribution of these people with no excessive numbers in any particular section. Early immigrants possessed of limited intellectual training sought positions as domestics or in construction camps. Work as railway section-hands seemed to be a rather favorite form of employment among men. Irish of higher intellectual abilities advanced themselves to positions of leadership in various capacities.

As evidence of a group consciousness, in spite of their wide distribution, and of their admirable qualities in respect to social welfare, the Irish formed societies for various kinds of benevolent work among their people. The object of one founded in 1871 and known as the "Irish Texas Association" is typical of their activities in this respect. These objects were stated as follows:

First, the amelioration of the conditions of any of our countrymen and country-women who may be in distress.

Second, the encouragement of immigration from our native land.

[1] Benedict and Lomax, *The Book of Texas*, p. 48.

Third, the unification and advancement of the Irish race in Texas.

In order that the association might be effective in reaching all Irish in the State, no religious or political tests were required for membership in the society.[1]

Other nationality groups are more clannish, as compared with the Irish. The Austrian population, for example, is limited almost entirely to two small areas, the one composed of Lavaca and Fayette counties, and the other of Williamson, Bell and McLennan counties. The number of Austrians in these areas is not easily estimated; that of the foreign-born Austrians, however, is known to be 6,441. The Austrians have maintained the customs of their native land to a very marked degree. The English language cannot be spoken by large numbers of these people who have resided in the State for periods of thirty to forty years. Association with other peoples of the State is very limited, and consequently their influence is not great.[2]

Foreign-born Polanders and Czecho-Slovakians numbered 5,047 and 12,819 respectively in 1920. These nationalities are found compactly grouped in a narrow strip of territory lying between the cities of La Grange and Halletsville. The populations of these peoples are poorly indicated by the figures representing the foreign-born, owing to the fact that for the past thirty years the immigration from Europe has been very small. Karnes county, for example, contains approximately 2,200 Polanders; the foreign-born Polish, however, number but two per cent of the population originally from their country.[3]

[1] *Houston Daily Telegraph*, May 20, 1871.

[2] Benedict and Lomax, *The Book of Texas*, p. 58; *Fourteenth Census of the United States*, Texas, Pop., p. 5.

[3] E. E. Davis, *A Report on Illiteracy in Texas*, pp. 15-18; *Fourteenth Census of the United States*, Texas, Pop., p. 5.

The population element of ranking importance in the development of early social cleavages in Texas was the German. Strong, capable leaders, acting with the united support of a mentally alert and physically vigorous following gave to the Germans a recognition not characteristic of other people which settled among the Texans. Professor Giddings reminds us that " The collective behavior and agreeing purpose of a thousand German-Americans are not like the collective behavior and agreeing purpose of an equal number of descendants of New England Puritans under like circumstances and in the same environment." The German-Americans and the Anglo-Americans in Texas have afforded ample confirmation of his view.[1]

The Germans began coming to Texas in great numbers during the forties and continued their immigration through the third quarter of the last century. Although their movement from the Fatherland to the State has been relatively small within the last fifty years, there were, according to the last Federal census, 31,062 foreign-born Germans residing in Texas in 1920, the numbers being approximately 8.6 per cent of the total foreign-born population of the State.[2]

Excepting small settlements in the northern and northwestern parts of Texas, the great mass of the German population is situated in that portion of the State lying between the cities of Austin and San Antonio and to the northwest and southeast of this section. The population of western Texas, since the great immigration of the forties, was up to the beginning of the present century mainly of German extraction. Under the relatively liberal policies of the State, " They came in such numbers that they populated whole counties."

Prior to the beginning of the century, the dress, language,

[1] Franklin H. Giddings, *Sociology*, p. 38.

[2] *Fourteenth Census of the United States*, vol. iii, Pop., p. 987.

customs, and habits of the Germans of Texas were, by consensus of opinion of scholars, the most distinctly German to be found in the United States. Some writers consider the Germans west of the Colorado river to be without a parallel in respect to the degree of purity of their customs and traditions. Benjamine, writing in 1907, said, "The counties in which the 'Adelsverein' founded its first communities are as German today in method of life, in sentiment, and in culture as they were when they were first founded." [1]

According to Solms-Braunfels, "From the time that the Germans settled in great numbers in Texas there were disagreements between them and the Anglo-Americans." The institution of slavery and the fact that the Germans settled to themselves and would not mingle are attributed as causes for much of this lack of harmony. Braunfels was exceedingly bitter in his characterization of the Anglo-Americans. He charged them repeatedly with graft, fraud, and lack of principle, and referred to them as "the worst kind of drift from the States." [2]

Olmsted recognized a marked degree of discord between the two nationalities, as is shown when he states that "Americans had the prestige of pre-occupancy." He also observed that the Anglo-Americans and the German-Americans "made little acquaintance, viewing one another partly with unfeigned curiosity often tempered with mutual contempt." [3]

Von Holst recognizes the cleavage between Germans and Americans and also between the Germans and the Negroes. He also makes captious reference to the American's attitude toward the Negro, as is shown in the following sentence: "The Germans . . . had never been able to clearly perceive

[1] Benjamine, Gilbert G., *The German Element in Texas*, p. 74.

[2] Solms-Braunfel, *Carl Prinz Zu Texas*, p. 39.

[3] Olmsted, F. W., *Journeys through Texas*, pp. 431, 432.

why the fundamental principles of natural law, Christianity, and democratic republicanism should be changed into their contraries when there was question of applying the case of men whose skin was black and whose hair was wooly. . . . They had no sympathy with the Negro and therefore it cost them no effort to accommodate themselves to existing circumstances." [1]

Some of the newspapers of the State, particularly those in the larger cities near the seat of conflict, sought to create a friendly relationship between the estranged peoples, but other papers, farther from the scenes of action, both in Texas and in other states, gave additional stimulus to the fermentation by their caustic editorials. One of the Austin papers in an article apparently designed to conciliate matters states that "It is from want of due regard to the circumstances that we witness so marked a want of sympathy between the German and the American population." [2]

The *Indianola Bulletin,* referring to newspaper comments on the unhappy situation throughout the State, particularly the charges of treason against the Germans, by a writer in the *State Times* of June 16, 1855, denies these sentiments as being those of the great mass of Germans. It was the opinion of the *Bulletin* that the radicals of both nationalities, and not the representative men of the State, were responsible for the strife existing between the Americans and the Germans.[3]

The *Galveston Zeitung,* one of the two organs of the German people, revealed a spirit which seemed to be representative when it advised its people to profit by the experiences of the past when lack of preparedness resulted disastrously for the unprepared, and in the time of peace to

[1] Von Holst, *Constitutional History of the United States,* vol. iv, p. 426.

[2] *State Gazette* (Austin), June 16, 1855.

[3] *Indianola Bulletin,* June 20, 1855.

prepare for war. It asserted that the continued clashing of native and foreigner might easily lead to war at any time and urged the Germans to make ready for defense of their rights.[1]

Bussey records an incident at New Braunfels in which a Mr. Whipprecht exhorts his German friends "to prepare for action." The speaker, after an eloquent review of what he conceived to be the facts relative to Anglo-American oppression, says, "Now, let us manfully and firmly oppose the arrogant assumption and overbearing of these natives." He sought to establish the idea among the Germans that they had settled the section of the State known as "West Texas" and that further advances of the American people whether from other parts of Texas or from other states of the American union were dangerous to the welfare of the German people.[2]

Much of the strife between Germans and Americans which existed during the decade prior to the Civil War had its immediate crystallization if not its origin in various associations fostered by the German people. The first German society in Texas was known as the "Deutscher Verein für Texas." This society was formed on November 29, 1840 "to give assistance to the sick and needy, and to promote the material and intellectual welfare of the Germans." The "Houston Deutsche Gesellschaft," organized in 1886, had for its object the development of a closer union of the Germans in Texas. The fundamental principle of the order was "the uniting of all Germans into one society with strong Germanistic tendencies, thus not only preserving the German character and individuality, but making the Germans a strong political factor." [3]

[1] *Galveston Zeitung*, August 19, 1855.

[2] Bussey, *Immigration*, p. 32.

[3] Tiling, Moritz, *The German Element in Texas*, p. 51.

Conspicuous among the German associations was the "Sangerfest," a society formed in various towns and cities presumably for the purpose of singing German love-songs, religious-songs, and war-songs. These song festivals always occasioned the revival of love for the Fatherland, a free exchange of ideas, and the crystallizing of public opinion on questions pertaining to the welfare of the German people in Texas. The second annual song festival, embracing representatives of all Germans in the State met at San Antonio May 14, 1854 and lasted two days. Such settlements as Sisterdale, Fredericksburg, La Grange, Collette, Indianola, and Victoria were well represented at this convention. At the close of the festival, a number of Germans assembled and formed a political party which had for its purpose the correction of alleged abuses in the existing political parties of the day. This association had, as its immediate object, as most societies formed by the Germans had, the promotion of good fellowship (Gemutlichkeit), but it assumed numerous menacing aspects.[1]

The *Atlantische Studien,* speaking of the organization, said that resolutions were passed demanding the correction of various fancied abuses and registering their uncompromising opposition to slavery. The State "Sängerbund" and the "Sängerbund von West Texas" were founded for the purpose of accomplishing in America the same ends as those of a similar organization formed in 1838 in Germany, namely, "the perpetuation of German ideals." The "Turnverein," organized in Houston in 1854 "for the practice of brotherly love and the promotion of physical and mental studies," has exerted great influence upon the social life of the German people in Texas.[2]

[1] *San Antonio Ledger,* May 18, 1854.

[2] *Galveston Zeitung,* January 21, 1854; Tiling, Moritz, *The German Element in Texas,* p. 131.

One of the fundamental causes of the unhappy relations of early German settlers and natives was found in the wide divergence of ideals and standards as evidenced by their mode of living. The following paragraphs describe very clearly the attitudes of the two peoples toward labor in general:

Life on the plantation, cultivated by slave labor, was quite different from that on German farms or in German settlements. The planter and slave owner with his family generally indulged in a life of indolence, while on the German farms every member of the family worked continuously, often even on Sundays, using in Texas the same intensive system of agriculture as formerly in Germany.

In most cities, trades and industries were in the hands of German mechanics and tradesmen, while the Americans were generally restricted to the vocations of lawyer, physician, civil engineer, banker, broker, land agent, lumberman, etc.[1]

Lack of cooperation and diversity of customs and habits served to create a breach between the Anglo-Americans and the German-Americans which has been traced from the days of the first political campaign under statehood to the beginning of the last quarter of the nineteenth century. Even at the present time, the effects of early-day fights in the Legislature, in Congress, in the Conventions, by the press and in the pulpit can be observed when social question of concern to the Germans are brought before the people of Texas.

[1] Tiling, Moritz, *The German Element in Texas*, p. 128.

CHAPTER XIII

Conclusion

In concluding this survey of social cleavages in Texas in respect to their relation to the provision of the joint resolution of annexation which granted to the State the right to create additional states within its borders when it should elect to exercise the prerogative, it seems proper to gather up the conclusions respecting its several aspects formulated along the way and to summarize and unify them.

It is obvious from the study that throughout the period of statehood, embracing eighty years, no decade has passed unmarked by some rather wide-spread consideration of the expediency of dividing Texas and of establishing a plurality of independent governmental units. No less obvious to the writer is the fact that at no time since Texas became a state in the Union has there been a sentiment of sufficient strength among the citizenship of the State to have effected a dismemberment had the option been given expression by popular vote.

It has been considered of little value in serving the purposes of the study to record the expressed opposition to division, although it has been overwhelming at times, since the object of the research has been to determine the extent and the fundamental causes of the oft-recurring agitation.

Immediate causes which have occasioned a revival of discussion of the subject from time to time have been varied and often incongruous. The fundamental factors which have conditioned receptivity to the proposal, however, seem

to resolve themselves into four categories, namely, the topographic and climatic sectionization, the influence of precedent among small states, the institution of slavery, and the composition of the population.

With an area of more than 260,000 square miles after having conveyed a considerable part of its territory to the United States, Texas now has a greater variety of soil, climate and consequent interests than is probably to be found in any like area in the United States. Belts differing in soil, temperature, rainfall, altitude, proximity to markets, and mineral deposits have served to differentiate the population until such designations as "the people of East Texas," "the people of West Texas," "the people of North Texas," "the people of South Texas," and "the people of Central Texas," have assumed definite characteristics known to all residents of the State.

First among the factors in point of time and in universality of acceptation was the conviction that because of its unprecedented area, Texas would be forced to divide into smaller states when its population had become distributed. At the time of its admission to the Union the State extended from the mouth of the Rio Grande to a point near the center of the State of Wyoming and from "the pass" in the Rocky Mountains to the Sabine river. With exception of a few small groups scattered here and there, the bulk of the scant population resided in one corner of the State. With the meager means of communication at the disposal of government officials, it was impossible for them to administer justice in the exercise of control, hence the people anticipated the approaching necessity of creating more states. Furthermore, Texas was populated by former residents of other states and of foreign countries, where the people had both consciously and unconsciously learned to think of a state as necessarily small. As a consequence of this psycho-

logical bent, years of increasing efficiency in the exercise of governmental functions have been necessary to eradicate the belief in the exclusive efficiency of small-state control.

During the days of the Republic, Texas viewed division as an unavoidable problem which would later demand a solution. Had more urgent measures not demanded the concern of the people of the infant republic, it is hardly to be doubted that steps would have been taken toward establishing division lines before it determined to surrender its independent existence as a nation. No one seemed to question the certainty of division even in circles beyond the limits of the State. Archibald Linn, of New York, registered his opposition to the annexation of Texas in a speech before the House of Representatives on April 13, 1842 on the grounds of his assumption that within the limits of the Republic there were to be established nine independent sovereign states.

Among the factors which conditioned the most deep-seated cleavage during the first fifteen years of the history of Texas as a state, none created more bitterness than the institution of slavery. Even prior to the declaration of independence of the people of Texas from the Mexican government, those who had settled in the State were divided in their opinions over this issue. Stephen F. Austin, though bitterly opposed to slavery as a matter of principle, tolerated it in his colony on the ground that certain exceptional conditions rendered it expedient. The constitution of the Republic of Texas forbade the importation of slaves from all countries other than the United States.

It is to be recalled that Texas became a state at a time when slavery was the paramount question before the American people, and that the issue in the Nation speedily became the issue of Texas. Unlike other slave-holding states of the South, Texas had only a relatively small portion of its

area in which slaves could be profitably employed. As a consequence, the East and the Southeast became the slavery section and the remaining parts of the State became free in sentiment. East Texas was settled largely by immigration from the southern states, while West Texas was settled principally by foreigners. The well-known opposition to slavery on the part of the foreign-born, increased in its effectiveness by the unsympathetic attitude of many of the natives, led to one proposal following another in the hope of separating completely the unfriendly sections. The most outstanding movement for division that has characterized the political history of the State was inaugurated during the period of Reconstruction and supported with aggressiveness during the years immediately following. Secession resulted in the installment into positions of authority of a group of leaders who had been identified with the political minority prior to the Civil War, and these men were sufficiently devoid of scruples as to lend support to any measure which might be proposed, the venture of which gave promise of perpetuating their political domination. These leaders were numerically in control of the conventions of 1866 and 1868-1869, and their influence was used with consummate skill in an effort to parcel out the sections of the State in such manner as to make sure for themselves and their posterity places of importance in the affairs of State. Selfish politics was the constant aim and controlling purpose actuating the proponents of division during this most unhappy epoch in the history of the State.

When Texans once more assumed control of Texas sober reflection actuated by sincere desire to better conditions of the State resulted in a discussion of the division issue, but the grounds for consideration had become economic and not political. Comment during this period centered around the inability of securing legislation which would be conducive to

economic advantages of one section without being at the same time subversive of the welfare of another.

A fourth factor of much importance in the creation of inharmonious relations among the people of the State has been the heterogeneity of the population as a whole. The measure of heterogeneity for the entire State would probably not be significant in itself. It was the segregation of the population elements which took place during the early history that rendered cooperation in matters pertaining to the general welfare of the people as a whole slow and ineffective, if not impossible. Sympathy was lacking and the utility of concerted action was ignored. The East, settled by immigrants from the "Old South" could not be induced to identify its interests with those of the West, which was populated chiefly by Germans from the Fatherland and Americans from the North and East.

The people occupying the southwestern part of Texas have in general favored division of the State with a higher degree of unanimity than the people of any other section. The characterization seems undoubtedly applicable for the period of Reconstruction and for the republican administration immediately following. This is accounted for by the fact that the West has been developed since 1836, and its people did not share the hardships incident to the struggle for independence which so effectively bound those who took up arms against Mexico.

Personal correspondence in obtaining data for this study substantiates the contention often cited by those who have advocated dismemberment that the foremost arguments presented by those who oppose it are "saturated with sentiment." The secretary of the chamber of commerce of a West Texas city, in replying to a series of questions sent him, says, "Every sane, intelligent, practical, economic reason is in favor of division of the State. That is es-

pecially true in the West because it has been paying into the State treasury from $5 to $10 in taxes for every $1 it receives in return for school fund, road funds, etc., but nature is not established upon a practical, common sense basis. 'Remember the Alamo'; 'Remember Goliad'; recall the glorious history of Texas and the inborn pride of our native sons. These forestall the possibility of division of this great State. We are all proud of her greatness, even though the operation of her state government is awkward. As long as folks are folks, there can be no division of the State." Another comment typical of many follows: "I take pleasure in supplying you with the information called for on your blank, hoping as I do so that you will be able to silence forever the unpatriotic and ungrateful clamor of politicians for the division of our State." Newspapers have repeatedly, and at times unguardedly, registered the same appeal to sentiment. After a scathing denunciation of "twentieth-century dividers" one paper says, "Texas must never consent to a step which will take from any section an acre of land . . . made sacred by the blood shed within the walls of the Alamo." The writer was apparently unmindful ot the fact that approximately one-third of the territory included in Texas when it gained its independence from Mexico, as claimed by act of Congress of the Republic, December 19, 1836, now lies in the states of New Mexico, Colorado, Wyoming, Kansas and Oklahoma, and that the relinquishment of this portion of Texas took place fourteen years after the declaration of independence from Mexico and four years after it became identified with the states of the American Union.

Attention is not infrequently called to the advantages which might accrue from a division of Texas into smaller states in the increased efficiency with which sectional, social and economic problems could be attacked. A striking ex-

ample is afforded by the "Stock Dip Law" enacted by the Thirty-fifth Legislature. The measure was, strictly speaking, sectional in its application and effects. An analysis of the vote in the House of Representatives shows that West Texas (west of the ninety-eighth meridian), where the cattle industry is centered, supported the measure by a vote of 34 to 2. East Texas, however, approved it by a vote of 63 to 31. It is to be noted that a section of the State which would be only indirectly affected registered 31 of the 33 votes against the measure. It is also to be seen that the ratio of votes in West Texas was 17 to 1 in support of the measure while in East Texas it was only 2 to 1.

As a result of the threat in 1915 and 1921 on the part of citizens of West Texas that unless certain specified demands were acceded to there would be a revival of the division question, numerous discussions of the economic advantages of separate statehood for that portion of the State appeared. Among them was a contention that the Legislature had become so unwieldy in size that adequate consideration of legislative measures of vital importance was impossible. Emphasis was placed upon the economic loss to the State resulting from the enactment of poor laws and to the failure on the part of legislators to give constructive thought to subjects barred by time limitations.

Attention has also been called to the expense incurred by the State in transporting its Legislators to and from the capital. The sum spent for this purpose is without a parallel among the states of the Union. No charge of bad economy is urged, however, because of the wholly inadequate remuneration of Texas lawmakers. Data taken from the mileage chart in the Warrant Department of the Comptroller of Texas show the distance traversed by each Legislator in journeying to and from the capital. Some of the more remote counties are listed as follows: Hansford, 700 miles;

El Paso, 684.6 miles; Ochintree, 669 miles; Wheeler, 626 miles; Sherman, 622 miles; Roberts, 590 miles; Gray, 588 miles.

From these figures it is to be noted that one Legislator must travel 700 miles to reach the State Capital by the most direct route. Six lawmakers are more than 600 miles from Austin, while twenty-one must travel more than 500 miles to reach that city. The mileage allowed under the provisions of the constitution is twenty cents each way. Owing to the large number of members, and to the size of the State, the mileage cost of transporting the Thirty-sixth Legislature to and from the homes of its members was $72,503.36. Such expense, it has been contended, could be reduced materially by creating smaller states.

It has been contended by advocates of division that a great variety of advantages would accrue to the people of the State were such a step consummated, but thus far an overwhelming majority of the people of Texas refuse to concur, or concurring refuse to admit that these advantages cannot be realized by procedure more compatible with their sense of loyalty to the traditions of the State.

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VITA

W. Joseph McConnell, born, Batesville, Arkansas, April 12, 1884. B.A., University of Denver, 1915; M.A., 1918, from the same institution. Author: *Our Government in Texas,* State Supplement to *Our Government* (1924), in collaboration with Bonner Frizzell, Davis-McClure, Laidlaw Brothers. Superintendent, Texas Public Schools, 1909-1916; Associate Professor of Mathematics, North Texas State Teachers College, 1916-1919; Professor of Economics and Sociology, in the same institution, 1919; Dean of the College, North Texas State Teachers College, 1923.